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OMNIA RELIQUIT SERVARE REMPUBLICAM.



1783.

CIRCULAR LETTER

OF

THE SOCIETY OF THE CINCINNATI,

IN THE

STATE OF VIRGINIA

JUNE 22ND, 1907



V327

The Institution subscribed by His Excellency, GENERAL WASHINGTON, Commander-in-Chief, and other officers of the *American Army* in 1783 declares that

“The following principles shall be immutable and form the basis of the Society of the Cincinnati :

“An incessant attention to preserve inviolate those exalted rights and liberties of human nature for which they have fought and bled, and without which the high rank of a rational being is a curse instead of a blessing.

“An unalterable determination to promote and cherish, between the respective States, that union and national honor so essentially necessary to their happiness and the future dignity of the American Empire.

“To render permanent the cordial affection subsisting among the officers. This spirit will dictate brotherly kindness in all things, and particularly extend to the most substantial acts of beneficence, according to the ability of the Society, towards those officers and their families who unfortunately may be under the necessity of receiving it.”

Interstate Commerce Commission

JAN 11 1903

The following is a copy of the Circular Letter adopted by the Society of the Cincinnati in the State of Virginia, on December 15, 1905, and sent out on December 27, 1905, to which reference is made in the Rhode Island Society's Circular Letter of July 4, 1906, and the Virginia Society's Circular Letter of June 22, 1907:

WHEREAS the INSTITUTION of the Society of the Cincinnati, as adopted by the Founders of the Order May 10 and 13, 1783, and amended by the same Founders June 19, 1783, has never been legally altered or changed by the concurrent affirmative vote of the several State Societies, and

WHEREAS the said Institution has not been, and is not now being followed, and observed, in many important particulars, by the General Society, and the various State Societies, and

WHEREAS some of these particulars may be stated as follows:

1. State Societies do not follow the Institution as to membership consisting only of members who actually reside in each State respectively.

It may not be feasible or desirable to follow this rule, and in that case the Institution should be amended accordingly.

2. State Societies do not write a circular letter annually to each State Society "respecting the good of the Society," as the Institution directs.

If this rule is no longer desirable the Institution should be amended accordingly to at least leave the matter optional with the State Societies.

3. Expenses of delegates to the General Society are not paid by all the State Societies as the Institution orders.

If this rule is no longer necessary the Institution should be amended to at least put this matter in the discretion of each State Society.

4. Annual circular letters from the State Societies "respecting the good of the Society" "and their particular laws" are not "read and considered" at General Society meetings, as ordered by the Institution.

The Institution should be amended to clearly, and distinctly define the authority, and powers of the General Society with respect to these matters.

5. Eagle of the Order as adopted by the General Society at New London, 18th of June, 1902, is not in accordance with the design of Major L'Enfant, as prescribed by the Institution.

A friendly effort should be made to induce each Society to conform to the L'Enfant design of the Cincinnati Eagle, as clearly and distinctly set forth in the Institution.

6. Many of the State Societies seem to have adopted particular Eagles according to their own ideas on the subject, and not in accordance with the L'Enfant Eagle as directed by the Institution.

Proper steps should be taken (by concurrent action of each State Society) to correct this lack of uniformity, and observance of the instruction of the Institution relating thereto. This should be done on broad-minded, and harmonious lines according to the principles of the Institution, and to prevent interference with existing Eagles now possessed by individual members, but the rule to apply to all Eagles to be issued to members in the future.

7. Annual meeting dates of some of the State Societies not in accord with the date prescribed by the Institution.

There may be excellent reasons for changing this annual meeting date by some of the State Societies—and if this is true the Institution should be amended to at least allow each State Society, in its own discretion, to change the annual meeting date for good, and sufficient reasons.

8. The Institution requires the General Society to meet on the first Monday in May. This meeting date has been changed by the General Society without apparent authority under the Institution.

If this change is desirable, or necessary the Institution should be amended to give the General Society proper authority to make the change. Neither the General Society nor any of the different State Societies should “be a law unto itself” in matters that are contrary to clear and distinct provisions of the Institution.

9. Most of the State Societies have different rules for the admission of members, some of which seem in direct conflict with the rules laid down by the Institution.

Some of these rules *per se* may be wise, and desirable changes of the Institution, and if such is the case an earnest effort should be made to bring all the “rules of admission” in harmony so that each State Society shall have identical rules, and regulations for the admission of members, as was clearly intended by the Founders of the Order, and which is only proper and right in “one Society of Friends.” The Institution should be amended accordingly.

10. The (so-called) Rule of 1854 is observed in various ways by many of the State Societies. It is in direct conflict with the admission rules laid down by the Institution, but was twice adopted by the General Society (in 1851 and 1854) and both times it failed to become valid, because not ratified by the several State Societies.

In view of the fact that the membership of the Cincinnati Society has dwindled from an original membership of 1,956 (exclusive of the French Society) to 792 (May, 1905) and for other reasons, it would seem that the Rule of 1854 itself may be a desirable and necessary one, with certain modifications, but if this is true the Institution should be so amended as to admit of no doubt on this important subject, and the Rule of 1854 made a *legal* and not an illegal rule as a large number of the members of the Cincinnati Society now regard it.

11. The assessment dues for new members in many of the State Societies are different, and seem to be arbitrary in many cases, and not in accordance with the true meaning and intent of the principles of the Institution.

Surely in “one Society of Friends” there should be uniformity in an important matter like this, and the subject should be taken up in a fair-minded, and harmonious spirit, and a uniform system of assessments, dues or fees be adopted (by concurrent action of each State Society) to apply alike to the several State Societies, or at least each State Society should be given the option of applying one of several certain fixed rates for different classes of new members, and the Institution amended accordingly to admit of no doubt or erroneous construction on this subject in the future, and

WHEREAS, owing to the foregoing, and other reasons much confusion, erroneous construction of the Institution, and lack of uniformity now exists, and has existed in the government, customs, rules and methods of the General Society and the various State Societies, all of which tends to lessen the dignity and usefulness of the Order, and does not “conduce to the general intendment of the Society” according to the principles of the Institution, and with the view of securing uniform order, and system, so far as possible,

in the government, customs, rules and methods of the General Society, and the several State Societies, and to define, and determine more clearly than at present the authority, duties, powers, and functions of the General Society, the General Officers, the standing Executive Committee of the General Society, and the different State Societies, and

WHEREAS any action by the General Society on the matters herein contained is limited to suggestions to the State Societies, and can have no legal, or binding effect whatever until ratified by the several State Societies, and in order to have this whole subject thoroughly and intelligently discussed, and understood by each of the State Societies before it is presented to the General Society,

Therefore be it

Resolved I. The Society of the Cincinnati in all the State Branches should have, as far as possible, uniform government, customs, rules, and methods as is fitting and proper in "one Society of Friends" and in accordance with the principles of the Institution, and the true meaning and intention of the Founders of the Order.

Resolved II. That a committee of three members of this Society be and are hereby appointed to correspond with each of the other State Societies on the foregoing, and other similar subjects, in accordance with the provision of the Institution, which reads: "Each State meeting shall write annually, or oftener if necessary, a circular letter to the State Societies, noting whatever they may think worthy of observation, respecting the good of the Society."

Resolved III. That each State Society be requested to appoint at once a similar committee, who are not General Officers, for the purposes as stated.

Resolved IV. That these State Committees, after correspondence, be requested to attend a general meeting at some convenient time and place, or send a delegate to such general meeting, for the purpose of more fully considering the matters herein contained, and for concerting measures, and putting in shape some feasible plan for accomplishing the objects above-mentioned, "for the good of the Society," as the Institution prescribes.

Resolved V. That each State Committee, as above, be requested to promptly communicate to its State Society at a special meeting called for the purpose, or at its annual meeting, the recommendations of the above committees of three, and of the General Meeting above referred to, in order that appropriate action may be taken thereon, and the subject presented, at the proper time, in the General Society.

Resolved VI. For convenience, and in order to expedite, and facilitate the consideration of the matters herein, the Chairman of the Virginia Committee is hereby authorized, and requested to call a General Meeting of the committees of three from the different State Societies whenever it may be convenient, and desirable to hold such meeting.

Resolved VII. That in promulgating the above Preambles and Resolves the Society of the Cincinnati in the State of Virginia is actuated by sentiments of the most cordial, and affectionate regard for the whole Cincinnati Society, and with the single desire, and purpose to promote "the safety, honor and welfare" of the Society on broad-minded and intelligent principles, which should, indeed, always actuate "one Society of Friends," and "conduce to the general intendment of the Society," in accordance with the principles of the Institution.

Resolved VIII. That the Chairman of the Virginia Committee, as above, is hereby directed to communicate immediately the foregoing Preambles and Resolves officially to the several State Societies, and also to send a copy to each member of the Cincinnati Society.

In accordance with the foregoing the undersigned were appointed a Correspondence Committee, and it is requested that replies to the above Circular Letter be addressed to the Chairman at 42 Broadway, New York.

HETH LORTON, Chairman,
GEORGE BEN JOHNSTON,
WILLIAM HANCOCK CLARK,
Committee.

NEW YORK, December 27th, 1905.

NOTE.—Wherever the words "General Society" occur in the above Preamble and Resolves, they are to be considered as referring to the "General Meeting" (composed of Delegates from the State Societies, and the General Officers that those Delegates elect).



OMNIA RELIQUIT SERVARE REMPUBLICAM.

Society of the Cincinnati in the State of Virginia

At a meeting of the Society of the Cincinnati in the State of Virginia held in Alexandria, Va., on June 22nd, 1907, the Committee to whom the subject had been previously referred, reported the following Circular Letter, which on motion, duly seconded was unanimously approved, ordered spread on the minutes of the meeting, and a printed copy sent to each member of the Society of the Cincinnati:

To the Members of the Society of the Cincinnati:

The Society of the Cincinnati in the State of Virginia received on March 30th, 1907, a Circular Letter from the Society of the Cincinnati in the State of Rhode Island, dated July 4th 1906.

A large portion of the Rhode Island Society's Circular Letter, instead of being a reply to our Circular Letter of December 27th, 1905, containing the Preambles and Resolves adopted by our Society on December 15th, 1905, undertakes to discuss a number of subjects not mentioned in our Circular Letter, but which relate solely to the internal affairs of the Virginia Society, and over which our Society has exclusive control. Our Circular Letter, as above, was sent out in accordance with the laws of the Order, and contained a calm, deliberate and courteous presentation of conditions now existing in the Society, as we viewed them, together with suggestions as to the orderly, dignified, and legal regulation, and correction of those conditions.

In the Rhode Island Society's paper appear numerous inaccurate statements to which we will call attention in regular order.

The first inaccuracy consists in the statement that our Circular Letter of December 27th, 1905, was "received from the Treasurer" of this Society, whereas that letter was duly and officially communicated to the Secretary of the Rhode Island Society in a *separate* letter dated December 28th, 1905, by the *Chairman of our Correspondence Committee* regularly appointed and constituted by this Society for that purpose. We would dislike to believe it is the intention of the Rhode Island Society to prescribe to the Virginia Society in which way our official papers should be sent out.

The next incorrect statement is that an address delivered at our meeting on December 15th, 1905, by one of our members; the By-laws adopted at that meeting; and the *correspondence* with Hon. Winslow Warren by the Chairman of our Correspondence Committee (which is improperly termed an "address"), "were specially submitted for our (the Rhode Island Society's) consideration, remark and action on particular subjects and reply requested." These papers were *not so submitted to the Rhode Island Society*, but were merely sent to individual members of the Order for their personal information. The Virginia Society of the Cincinnati does not recognize the authority or the propriety of a co-ordinate State Society of the Cincinnati attempting official action in this manner as to her by-laws, as such matters are under the control of this Society and in no way subject to review or direction at the hands of the Rhode Island Society or of any member thereof. We may also correct the inaccurate statement that the correspondence with Hon. Winslow Warren was a "defense." In the respectful answers sent to Mr. Warren's courteous letters we feel that he, and other members of the Society, including those of the Rhode Island Society, were correctly informed about certain matters that may not have been thoroughly understood before.

Before discussing the Rhode Island Society's Circular Letter in detail under its various headings, we wish to emphasize to each member of the Cincinnati that the plea of the Virginia Society is for *uniformity* under the Institution, in the government, customs, rules and methods for the whole Society of the Cincinnati, as was clearly the purpose, and intention of the Founders. Everyone who has given even a small degree of thought to the subject must be well aware that such uniformity does not exist today in the various State Societies, and that the organic laws are not being observed. Doubtless many of the new so-called rules that are now being *differently* observed by the various State Societies are most desirable, and even necessary under the changed conditions in our country, but they should be made legal, and uniform for all the State Societies by reasonable, and proper amendments to the Institution.

The General Society (?) (Meeting) and State Societies.

The Rhode Island Society remarks, again incorrectly, "your Treasurer said—that the General Society (?) (Meeting) is only an 'advisory conference', and that the General Society (?) (Meeting) is *merely a shadow* without a substance, and a very poor shadow at that." It was the Hon. Winslow Warren, President General, who applied the term "advisory conference" to the *General Meeting*. Mr. Warren wrote on January 16th, 1906: "The General Society (?) (Meeting) regulates its own proceedings, and the State Societies theirs under the Institution—the former body acting as an *advisory conference*, but *having no means of imposing its authority upon the State Societies existing*." "Its triennial meetings are productive of much pleasure and profit—they exert much influence upon the State Societies *without dictation*."

Our Correspondence Committee said (and *this* Society fully endorses), when the General Meeting assumes illegal powers and authority or attempts to do things which can be done legally only by concurrent action of the State Societies, *then* it, the illegally assumed authority, is merely a shadow without a substance and a very poor shadow at that, which is quite different from the statement made by the Rhode Island Society.

And just here it may be well to correct the Rhode Island Society again in its improper and misleading use of the term "General Society" as applied to the "General Meeting." Much confusion has arisen in the Society owing to similar incorrect utterances in the past. With the assumption of illegal powers and authority for the "General Meeting" is coupled the inaccurate name of "General Society" for that body. The *General Society of the Cincinnati* is the whole Society, "divided for the sake of frequent communications into State Societies" (the thirteen original States of the American Union). The *General Meeting* of the General Society is quite another and a different thing, this latter body being composed of the General Officers and the *delegates* from all the thirteen original State Societies. In the original minutes of the earlier meetings of this body it is *always* described as the "General Meeting," "Triennial General Meeting," "Meeting of Delegates from the State Societies," and as late as 1851 and 1854, "General Meeting" and "Triennial Meeting."

The General Meeting on May 4th, 1790, issued an address to General Washington, President of the United States, which begins:—

"We, the *delegates of the State Societies of the Cincinnati*, assembled at our Triennial meeting, &c., &c." That address did not read:—We, the *General Society of the Cincinnati*, assembled, &c., &c. General Washington's answer to the above address reads:—"To the *delegates of the State Societies of the Cincinnati*, lately assembled, &c., &c." His answer does not read:—"To the *General Society of the Cincinnati*, lately assembled, &c., &c."

By thus incorrectly denominating this body "The General Society" a seeming effort has been made to give undue importance and authority to the General Meeting which it does not legally possess under the Institution, such, for example, as the alleged authority to revive a dormant State Society (Pages 14-34 and 48), "to judge of the qualifications of their members" (Page 14), to prescribe, and issue the Gold Eagle of the Order (Pages 25 and 26-40), to issue the Parchment Diploma (Page 27), to adopt "Ordinances and Resolves of Interpretation and call them the "General Maxims of the Cincinnati. (Pages 16, 33 and 34), to "assess" State Societies (Page 24), to take punitive action toward a State Society (Page 16), to change the organic law by what the Rhode Island Society calls "Rules of Construction and Interpretation" (as in the case of the so-called Rule of 1854) (Pages 16, 33 and 34).

The *sole* powers given to the General Meeting by the Institution are as follows:—

1. "At each meeting (of the State Societies, and of the General Meeting) the principles of the Institution will be fully considered and the best *measures* to *promote* them adopted."
2. "The Circular Letters which have been written by the respective State Societies to each other and their particular laws shall be read (in the General Meeting) and all *measures concerted* (i. e., planned together, devised, not *adjusted* and *settled* as the Rhode Island Society inaccurately says) (Page 16), which may conduce (i. e., promote, tend) to the *general intendment* of the Society."

All of the *illegal* "customs" (?), "precedents" (?), alleged "rules of construction and interpretation" (?), upon which the Rhode Island Society attempts to base unlawful power and authority for the General Meeting, cannot, and do not change or enlarge the powers and authority thus given that body by the Founders and incorporated by them in the organic laws of the Order.

General John Cochrane, an eminent authority on "Cincinnati" law, has well said on this subject:

"A difference in the power conferred by the two paragraphs (Nos. 1 and 2 above) is denoted by the difference in their language. Nor can that difference be attributed to accident, or be considered purposeless. General Knox, though not of scholastic acquirements, possessed an accurate knowledge of his native English, and his aide, Captain Shaw, on whom devolved the task of revising the work, is accredited with a large share of literary proficiency. Under the first paragraph, the grant of a *joint power* to the 'meetings' of the General Meeting, and the State Societies collectively, 'the best measures to *promote* the principles of the Institution' are to be *adopted*, taken and executed as means to the end of *promotion*; by the last, the concession to the General Meeting is of 'all measures to be concerted,' contrived by mutual communication. But whether enjoined as a duty, or conferred

as a power, it is not to *adopt* 'the best measures to promote the principles of the Institution,' but is explicitly restricted to 'measures' that may conduce to the *general intendment of the Society*, defined in the *joint power* previously granted to the State Societies, and the General Meeting. To have subjected two equal joint-tenants of a power to the domination of one, had been a *gross inconsistency, inconceivable of the authors of the Institution.*"

"Certain important powers belong to the organizations of the State Societies. They *alone* are the supreme judges of the qualifications of applicants for the membership of the Society, and they *alone* are authorized to admit them members. The requisites of membership are prescribed by the Institution. This prescription is the instrument of that perpetuity which underlies the enumerated *principles* of the Society, and without whose support their immutability were inconceivable. Pervasive of the organization, it is its prime principle, and necessarily the basis of the whole superstructure. When, therefore, to the State Societies was entrusted the *vital* function of arbiters of the qualifications of 'the members who may be proposed,' they were invested with the supreme prerogative of the Society."

Now all the alleged "precedents" (?), "ordinances" (?), "rules of construction and interpretation" (?) that the Rhode Island Society can produce cannot refute the above clear and distinct facts. And when to the above authority, given to the State Societies, is added the further provision of the Institution: "The State Society will regulate everything respecting itself, and the Societies of its districts consistent with the general maxims of the Cincinnati," it must be manifest that the State Societies, (constituting as they do the General Society of the Cincinnati) are above the General Meeting and not the General Meeting above the sovereign State Societies. Therefore, it is apparent that the General Meeting (composed of the general officers and delegates from the thirteen State Societies) has no authority, or power to call its "Ordinances and Resolves" the "General Maxims of the Cincinnati" (Page 16), to "assess State Societies" (Page 24), "to take punitive action toward a State Society" (Page 16), to alter or change the Organic law by so-called "Rules of Construction and Interpretation" (Pages 16, 33 and 34), as the Rhode Island Society has incorrectly claimed. We are glad to explode this wholly unwarranted doctrine which has no basis whatever in the Organic laws of the Order. We greatly deplore such ill-advised and incorrect utterances, and we trust that hereafter, they will not be repeated.

The Rhode Island Society says, "There is no analogy between the origin of the Institution of the Cincinnati and the origin of the Constitution of the United States." But it forgets that there is great similarity in the "*Articles of Confederation*" of the thirteen original States, and the Institution of the Cincinnati, and in the latter are found *many* methods of administration which were no doubt derived from the former, for example:

"The delegates from each State formed the Articles: the officers from the regiments adopted the Institution. The people in the one are represented by the United States—the Cincinnati in the other by the united State Societies. The States retain their sovereignty, freedom and independence, and every power, jurisdiction and right not delegated to the Congress of the United States; the State Societies possess all powers, jurisdiction and right not expressly delegated to the General Meeting; the power of the United States was the constituent power of the States; the power of the General Meeting is the constituent power of the State Societies whose delegates compose it: the 'denomination' of the Society in the text of the Institution corresponds topically with the 'Style' of the Confederacy, in that of the Articles of Confederation. Perpetuity is invoked in each. The assurance of the *one government* to the citizens of each State of the 'immunities and privileges' of the citizens of every State, is repeated by the *one Society* in the assurance to its members in each State of equal privileges in all. To the State, and to State Society is allotted each, its numerical representation; and the rule which apportions the suffrage to each, corresponds with the unit of power accorded to both. Each State reserves its independent rights, and each State Society preserves its autonomy. Each State maintains its own delegates; and while each State Society incurs the expense of its own, the dependence of the General Meeting upon the State Societies for financial support is a faithful reflection of that of the Confederacy upon the States it represented. The negative of any one of the States in league under the Articles of Confederation forbade alteration of its terms; the negative of any one of the State Societies in compact under the Institution forbids alteration of its terms. The laws of the Congress of the Confederation had merely the force of recommendations; the action of the General Meeting of the Cincinnati has merely the force of recommendations; and as the stipulation in the Articles of Confederation that 'each State retains its Sovereignty,' restricted the power of the Congress to *advice*, so the impress by the Institution of Sovereignty on the State Societies, restricts the sole powers of the General Meeting to *advice*. As the several States in 1778 entered 'into a league of friendship' with each other, the officers of the regiments of the *American Army* in the several States 'combined themselves' in 1783 into *one Society of Friends*;" and as the several States of the Union were confederated in the *sole* government of 'the United States of America' in 1778 the several State Societies were confederated in 1783, in the 'one Society of the Cincinnati.' Obviously this paralleled was not without design; nor was the independence of the State Societies unintended. Convincing, however, as it is, the Institution itself testifies that the plan of the Society was projected upon that of the United States Government under the Articles of Confederation of 1778, in these precise terms:—"

*'to perpetuate, therefore, as well the remembrance of this vast event (the establishment of free, independent, and sovereign States) as their mutual friendships,' *** 'the officers of the American Army do hereby in the most solemn manner associate, constitute and combine themselves into one Society of Friends,' etc.; 'and having been thus actuated to form a Society, for their high veneration of the character of that illustrious Roman Lucius Quintus Cincinnatus, and being resolved to follow his example by returning to their citizenship, they think they may with propriety denominate themselves The Society of the Cincinnati.'*

"Here were two distinct objects meditated, and accomplished, for two separate, and distinct purposes. The one the institution of a *Society* whose constituent State Societies should reflect the *freedom, independence and sovereignty* of the States of the old Confederation; and the other, the selection of a *name* which they intended for their exemplar in *returning to their citizenship*—the venerated name of Lucius Quintus Cincinnatus."

The Rhode Island Society says, "The General Maxims of the Cincinnati, *to which a State Society must conform*, are deducible from the context of the Institution, and the *Ordinances and Resolves of Interpretation of the General Society (?) (Meeting)*, which represents the Order in one Society of Friends" (Page 16). That the State Societies "*must conform to Ordinances and Resolves of Interpretation*" of the General Meeting is wholly repugnant to the Organic laws of the Cincinnati and consequently such assumed powers are in no way binding on the State Societies. Moreover, such illegal authority is not recognized by the State Societies. On March 15th, 1893, the South Carolina Society adopted the following on this subject:

"That the General Society (?) (Meeting) has the right to adopt such measures as may be necessary for the regulation of the concerns of the General Meetings, but it has no right to declare as of force and valid, *any law or ordinance* affecting the State Societies, *unless* the same be affirmatively and expressly assented to by *all* the State Societies:"

"Resolved, that this Society respectfully, but firmly, dissents from any proposition that the General Meeting has the right or power, by any expression of opinion, or proposed construction of any law, usage or rule to bind the State Societies without the expressed assent of *all* of them."

And as recently as January 26, 1906, the President-General of the Order fully confirms this opinion, as we have shown.

In view of the clear and distinct Organic laws of the Order as expressed in the Institution, the Rhode Island Society cannot at this late day give *new* powers and *new* authority to the General Meeting, under the specious guise of "implied powers" (Page 16), alleged "rules of construction and interpretation" (Page 16), so-called "precedents," etc., etc.

The Institution granted well-defined powers to the General Meeting, and to the thirteen original State Societies, and such powers cannot now be taken away from either unless by the affirmative vote of *all* the State Societies.

The Rhode Island Society says (Page 8), "The Institution of the Society of the Cincinnati was not formed by State Societies." We have made no such assertion. But we will remark, neither was the Institution formed by the "*General Meeting*."

The Rhode Island Society says, "No State Societies were in existence when the Institution was formed" (Page 9). We have not so asserted. It is well to note in passing that no General Society or "*General Meeting*" was in existence when the Institution was adopted.

The Rhode Island Society says, "The General Society (?) (Meeting) was not formed by the State Societies" (Page 11). The Founders first *created* the State Societies (thirteen in number, into which the General Society of the Cincinnati is divided) and *then* authorized the General Meeting, composed of delegates from the thirteen State Societies and the General officers elected by those *State* delegations. The State Societies thus give *life* to the General Meeting, as without *their delegations* there would be no General Meeting, as in the past.

The Rhode Island Society has undertaken to enlighten us as to what General Washington believed about the General Meeting (Page 7) (General Washington attended only *one* General Meeting), and also what Chief Justice Marshall *said* about the Constitution of the United States (Page 14).

We are not prepared to accept the Rhode Island Society as authority for General Washington's *unexpressed* beliefs, and we would prefer to consider what Chief Justice Marshall *said* about the Society of the Cincinnati, as that is more germane to the present subject than the Constitution of the United States.

Chief Justice Marshall had this to say about the Cincinnati, and, as he was a contemporary of the Founders of the Order, we beg to invite attention to his remarks: "The Military gentlemen of each State were to constitute *a distinct Society*, deputies from which were to assemble triennially in order to form a general meeting for the regulation of general concerns."

Now these State Societies the Institution irrevocably pronounces the Society of the Cincinnati in these explicit terms: "From *the State lists* the Secretary-General *must* make out, at the first general meeting, *a complete list of the whole of the Society*."

The Rhode Island Society says, that alteration in the Institution "could only be effected by unanimous consent of all, *including the General officers*, and delegates to the General Society (?) (Meeting), and the several State Societies" (Page 12). There is no basis whatever for this assertion that the assent of General Officers and the delegates to the General Meeting is necessary to amend the Institution (other than in their individual capacity as members of the different State Societies). As we have already shown, the supreme authority of the Cincinnati rests with the State Societies into which the General Society of the Cincinnati is divided, and that the "impress by the Institution of Sovereignty on the State Societies," restricts the sole powers of the General Meeting to *advice*.

This entirely *new and strange* doctrine of the Rhode Island Society simply means that were *all* the

State Societies to agree on certain amendments to the Institution their concurrent decision could be frustrated by *one man* who happened *for the moment* to be a General officer. No such authority is given to the General Officers, or to the General Meeting in the Organic laws, and it is idle to make such an assertion. That neither the General Meeting, or the General officers have such authority, or that they ever *attempted* to *assume* such powers is further proved by the action of that body at various times, viz.: The General Meeting, on May 13th, 1784, *recommended* the amended Institution to the State Societies. The General Meeting, on May 18th, 1787, adopted the following:

"WHEREAS, several of the State Societies of the Cincinnati have not agreed to the alterations in the Institution proposed at the last general meeting, and *WHEREAS*, those alterations cannot take effect until they have been agreed to by all the State Societies. ***

"RESOLVED, that it be *recommended* to the several State Societies to *empower* their *delegates*, at the next general meeting, to agree upon and finally establish all such alterations as may be necessary in the Constitution of the Society."

May 4th, 1790, the General Meeting again *recommended* to the State Societies to empower their *delegates* to agree upon alterations to the Institution. The same *recommendation* was made to the State Societies by the General Meeting on May 4th, 1791, May 7th, 1793, May 5th, 1796, May 8th, 1799. But why multiply illustrations of such a self-evident fact?

The Rhode Island Society says, "The Amended Institution (with some exceptions noted) was and always has been accepted as interpreting and expressing the true intent of the Founders of the Institution" (Page 12) and "every State Society has since acted under the Amended Institution in those particulars" (Page 13).

The Altered and Amended Institution never became legal in *any respect*, because it was not adopted by the State Societies. Hence, if any State Societies have acted under it in *any* particulars, their action is clearly illegal. Moreover, the General Meeting itself announced the illegality of the Altered and Amended Institution on May 7th, 1800, when it adopted the following: "That the Institution of the Society of the Cincinnati remains as it was originally proposed and adopted by the officers of the *American Army*, at their cantonment on the banks of the Hudson River, in 1783." The Rhode Island Society's statements as above are further abundantly disproved by the fact that several of the State Societies are incorporated by Act of Legislation and the original Institution embodied in the Acts of Incorporation, therefore it would be doubly illegal for those State Societies to "act under" the illegal Altered and Amended Institution; illegal against the laws of the Cincinnati, and illegal against the State laws under which they are incorporated.

We sincerely deplore the Rhode Island Society's utterances in this connection, and trust that such unwarranted, and illegal statements will not be repeated.

Origin of General Society Fund.

The Rhode Island Society says the payment of one month's pay by the officers who first subscribed to the Institution went into a *fund* which "became the basis of the General Society's fund since administered by the Treasurer-General" (Page 10).

Does the Rhode Island Society mean to say that the officers who "subscribed to the Institution *** for themselves and their constituents" and who afterwards became members of State Societies, paid one month's pay *twice*, once to the Treasurer-General and again to the Treasurer of the State Society? The minutes embodying the Institution say: "Each officer shall deliver to the Treasurer of the *State Society* one month's pay" and that "the members of the Society, at the time of *subscribing* their names to the Institution, do also assign a draft on the Paymaster-General" as follows:

"Please pay to.....Treasurer for the.....State Association of the Cincinnati, or his order, one month's pay of our several grades, etc."

The minutes of the General Meeting disclose the following facts:

May 18th, 1787. Committee reported to the meeting "the General Society are utterly destitute of funds."

May 7th, 1832. "Resolved, that it be *recommended* to the several State Societies to contribute on every succeeding 4th of July, \$20 each *** towards the *formation* of a fund for the purpose of defraying expenses of the General Meeting."

May 6th, 1835. "The account of the Treasurer-General was presented, and found to be correct, leaving a balance of \$35 in his hands."

May 28th, 1835. The Treasurer-General reported that he had received through William Jackson, Esq., Assistant-Treasurer General, the sum of \$32.50, the amount in the treasury at the death of the late Treasurer General.

May 8th, 1851. "The account of the Treasurer-General was presented, read and approved of, showing a balance *due him* of \$76.77. The Treasurer-General was authorized to receive from the Treasurer of the United States, \$1,692.08, heretofore credited on the loan office books for the *State of Georgia*, the interest on the same to be applied to a Sinking Fund, for the purpose of paying the debts now due, or owing by the Society."

This we understand to be the origin of the *fund* administered by the Treasurer-General, and *not* as stated by the Rhode Island Society.

True Intent of Founders.

The Rhode Island Society by a series of voluminous and specious arguments attempts to prove the *intent* of the Founders, *not* by the Organic law which they drew up and adopted, but by an *Altered and Amended Institution* which was never adopted by the State Societies, and which, therefore, has no force or effect whatever and is absolutely null and void. As well attempt to change the Constitution of the United States by merely *asserting* that the men who adopted that Instrument *intended* to do something *which they did not do*. Had the Founders of the Order of the Cincinnati intended to change the original Institution by this Altered and Amended Institution, they would have done so, as they were men who knew their own minds, and we cannot now recognize, after a lapse of some one hundred and twenty-three years, that the Rhode Island Society is thus authorized to change the minds of such men for them in this remarkable manner.

In *one* part of its argument the Rhode Island Society proclaims "there is no analogy between the origin of the Institution of the Cincinnati and the origin of the Constitution of the United States" (Page 7). In another part of the same argument it is equally positive "there is strong analogy in scope and intent, but not in formation, between the Institution of the Cincinnati and the Constitution of the United States" (Page 13). The Constitution of the United States has nothing to do with the subject, as the Institution of the Cincinnati was modeled after the Articles of Confederation, as we have shown.

No Authority for General Meeting to Revive a Dormant State Society.

The Rhode Island Society says, "The General Society (?) (Meeting), pursuing the legitimate objects for which it was organized, proceeded to revive your State Society, judge of the qualifications of your members, and admit them as Cincinnati" (Page 14). "The authority to exercise these powers in "one Society of Friends" is not, as before remarked, conferred on the General Society (?) (Meeting) by any specific provision of the Institution, but is found among the *implied* powers inherent in that body" (Page 15). "No part, therefore, can be greater than the whole" (Page 15). "The General Maxims of the Cincinnati to which a State Society *must conform*, are *** the Ordinances and Resolves of Interpretation of the General Society (?) (Meeting)" (Page 16). "Your Treasurer *** owes his own membership in the Society of the Cincinnati to the action of the Standing Executive Committee *** reporting favorably thereon to the General Society" (?) (Meeting) (Page 48). "The jurisdiction in the premises of the General Society (?) (Meeting) was acknowledged so fully that it is not necessary to discuss the matter" (Page 48). "None of the gentlemen whom the General Society (?) (Meeting) eventually admitted to membership in the Society of the Cincinnati, upon reviving the same, were members thereof until thus admitted" (Page 48). "The second remark, therefore, of your Treasurer that the General Society (?) (Meeting) had no legal authority, under the Institution to revive an extinct (?) State Society, is contradicted by the facts as well as by the direct acknowledgment of such jurisdiction by those who were admitted when your Society was revived" (Page 48).

Now that *all* the original State Societies (thirteen in number) are fully revived and in regular working order, further discussion as to the *authority* of the General Meeting or the Standing Executive Committee to revive a dormant State Society, would seem to be purely academic. But there are underlying principles involved in this subject that make it necessary to present to all the members of the Society of the Cincinnati the wholly unwarranted and illegal assertions of the Rhode Island Society in this connection. The assumption of authority for the General Meeting and the Standing Executive Committee, noted above, are merely the opinions of the Rhode Island Society, and have no warrant either in fact, or in law. *Nowhere* in the Organic law is authority given to the General Meeting, either implied, or expressed, to "judge of the qualifications of members" (Page 48), as the Rhode Island Society has incorrectly asserted, but, on the contrary, that power is given *exclusively* to the State Societies, as we have already pointed out. The "General Maxims of the Cincinnati" are *not* the so-called "Ordinances and Resolves of Interpretation to which a State Society *must conform*" (Page 16). The President-General himself has said the General Meeting is merely "an advisory conference but having no means of imposing its authority upon the State Societies" and the Institution limits its powers to *advice* to the State Societies in whom the supreme and final authority of the Cincinnati is lodged. It is indeed true that "no part can be greater than the whole" (Page 15), and as the *whole* Society of the Cincinnati is divided into Sovereign State Societies, it naturally follows that the *small body*, the General Meeting, composed of the General Officers and Delegates from the State Societies, is not equal in authority to the State Societies, and *surely* not of *greater power*. The mere fact that the revived State Societies (in their ignorance at the time of their rights, and powers) acquiesced in the action of the General Meeting, or the Standing Executive Committee in these matters, is no *proof* that authority to revive a dormant State Society is legally lodged in either of those bodies. On the contrary, the laws of the Institution show conclusively that the authority, and powers thus exercised were *assumed* powers and authority, as in no place does the Organic law give to the General Meeting, or the Standing Executive Committee authority to revive a dormant State Society.

In fact, a special committee reported to the General Meeting in 1881 as to the Rhode Island State Society as follows: "Twelve (12) of the eldest lineal descendants of the original members of the Rhode Island Society, assembled in the State of Rhode Island, December 12th, 1877, and did then and there organize themselves, by their *unassisted* right, into the Society of the Cincinnati in the State of Rhode Island," and this was done after the Rhode Island Society had been dormant for forty-two (42) consecutive years. We will refer more particularly later on to this alleged revival of the Rhode Island Society.

On this subject the late General John Cochrane, former President of the New York Society, has well and ably remarked:

"The supposition is groundless that attributes to the General Meeting the power of reviving a State Society. The State Societies never die. Their life is perpetual; co-ordinate and concurrent with genealogical lines; the life of the General Meeting is vicarious and intermittent; delegated and dependent on the will of the State Societies. In the State Societies alone exists paramount, the Society of the Cincinnati. Of inherent vitality, they are self-existent. Through them, the perennial life of the General Society reaches in indefeasible entail, the remotest degree of hereditary succession. The General Meeting is the product of their breath. Their life-giving power to it, stifles its assumption to resurrect them. If excluded from its deliberations, still their separate negative would frustrate any change in the 'Institution' it attempts; and though by the withdrawal of their triennial breath, its temporary suspension as heretofore, or its final extinction would ensue, yet in the State Societies, would the Society of the Cincinnati live on forever."

Altered and Amended Institution.

(Never ratified by the State Societies—hence null and void.)

The Rhode Island Society has made frequent reference to the "Altered and Amended Institution of 1784" to support its claim of alleged powers and authority for the General Meeting. With equal propriety might it refer to the laws of the Empire of Germany. The "Altered and Amended Institution of 1784" was not ratified by the State Societies and, therefore, it never became legal. Hence it is absolutely without force or effect, and it is not proper or legal for a State Society to follow the Altered and Amended Institution in any particular. As before remarked, the General Meeting on May 7th, 1800, declared its opinion that the Institution remains as *originally* adopted in 1783.

The General Meeting.

In passing, it may be instructive to review briefly the history of the General Meeting. There were no quorums present at its Triennial Meetings in 1793, 1796, 1799, 1802, 1805, and 1811, and at its extra or adjourned meetings in 1788, 1811, and 1812—and it attempted no meetings whatever in 1808—and from 1812 to 1825. During the above long period the General Meeting was practically *dead*, and it would have remained in that condition had not the State Societies *again* given it life by sending delegates. But all the time the General Meeting was thus *dead*, the Society of the Cincinnati continued to exist in the State Societies, and any one of the thirteen original State Societies (temporarily dormant) could have been regularly and legally revived at any time by the proper qualified descendants of officers of the American Revolutionary Army eligible as *propositi*. In fact, so well was this fact *understood* and *recognized* that the General Meeting itself on May 5th, 1829, at its regular triennial meeting in Philadelphia expressed this identical opinion as follows: "Resolved that members residing in any State not having a State Society of the Cincinnati, *may form themselves* into such State Society." Naturally this opinion applied to any one of the thirteen original State Societies that might have been dormant, and the General Meeting expressed the same opinion in May 1884.

As supporting the *assumption* of absolute power of the General Meeting over the State Societies, the Rhode Island Society refers to a resolution by that body on May 19th, 1787, as to reporting members, etc., in which the word "*Ordered*" is used (Page 15). The mere fact that this resolution *happened* to be worded that way no more proves the authority of the General Meeting over the State Societies, than does the mere *assertion* that it can legally revive a dormant State Society, give it such authority. Most of the resolutions by the General Meeting on these subjects were passed as "requests" and "recommendations." May 3rd, 1791, State Societies were "requested" to pay quotas assigned to them." May 5th, 1829, it was "recommended" to State Societies to contribute \$20 on every succeeding 4th of July for the expenses of the General Meeting, and at the same meeting they were "*requested*" to furnish list of members." May 7th, 1832, State Societies were "*requested*" to appoint delegates annually to the General Meeting;" also "*requested*" to furnish list of members; also "*recommended*" to contribute \$20 every succeeding 4th of July for expenses of the "General Meetings." May 7th, 1838, State Societies were "*requested* to appoint delegates." November 28th, 1844, "*Recommended*" to State Societies to hold a general celebration in New York. On May 8th, 1851, the General Meeting adopted a report made by Charles S. Davis, J. W. Scott and Hamilton Fish as follows: "The Institution makes no provision for any *alteration or amendment*; nor does it define any powers as be-

longing to the General Society (?) (Meeting) over the State Societies;” and with respect to an Ordinance adopted at the same meeting; “be transmitted to the State societies for their approval and that the same be not considered as binding upon either the General Society (?) (Meeting) or any of the State Societies yet remaining *until approved, ratified, and adopted by the State Societies yet remaining extinct.*”

But why multiply illustrations? It must be apparent that the Rhode Island Society’s contention is wholly untenable—that the General Meeting has authority over the State Societies.

The Alleged French State Society.

Of all the delusions attempted to be ingrafted upon the Society of the Cincinnati, the greatest perhaps and the most illegal is the myth of a French *State Society*. We will go quite fully into this subject in order to correct for all time the many incorrect, and misleading statements that have been made.

The minutes of the Convention that instituted the Society of the Cincinnati on the banks of the Hudson River, in 1783, show two distinct *fundamental* facts, viz.:—

1st. The Convention was composed of “the representatives of the *American Army.*”

2nd. The plan *accepted* for establishing the Society plainly *said*, “Whereof the officers of the *American Army* are to be members,” who shall sign the Institution and contribute one month’s pay.

After the Society of the Cincinnati was instituted as above, the following was adopted:—

“The Society, deeply impressed with a sense of the generous assistance this country has received from France, and desirous of perpetuating the friendships which have been formed, and so happily subsisted, between the officers of the allied forces in the prosecution of the war, direct that the President-General transmit, as soon as may be, to each of the characters hereafter named, a medal containing the Order of the Society viz.:—

His Excellency the Chevalier de la Luzerne, Minister Plenipotentiary,

His Excellency the Sieur Gerard, late Minister Plenipotentiary,

Their Excellencies,

The Count d’Estaing,

The Count de Grasse,

The Count de Barras,

The Chevalier des Touches,

Admirals and Commanders in the Navy.

His Excellency the Count de Rochambeau, Commander-in-Chief,

And the Generals and Colonels of his Army, and acquaint them that the Society does itself the honor to consider them members.”

No pecuniary obligation, no signing of the roll attached to the membership of the above French officers who were made honorary members of the Cincinnati.

Could language be more plain and simple than this, to indicate that the above distinguished Frenchmen, in the Civil and Military Service of France were thus created *Honorary* members (for their own lives only) of the Society of the Cincinnati to “perpetuate the friendships which have been formed and so happily subsisted, between the officers” who are named? Had it been *intended* to make them *Hereditary* members, the words “and their eldest male posterity” would naturally have been added.

If further proof were needed to refute the unauthorized and incorrect statements that a legal French *State Society* of the Cincinnati ever existed, it is only necessary to refer to the following facts:—

1. In no sense were the above French officers parties to the original Institution either at the time or afterwards of the formation of the Society “whereof the officers of the *American Army* are to be members.” The minutes of the Convention prove this fact.

Civil officers could not be admitted to Hereditary membership in the Cincinnati, and it is worthy of note that certain distinguished Frenchmen in the *Civil* Service of France, were included in the list of French officers that the *Founders* did themselves “the honor to *consider*” as members, which shows conclusively that *all* the gentlemen named in the Civil, Military and Naval Service of France were merely *Honorary* members “for their own lives only.”

2. The same Convention that made the French officers *Honorary* members as above, also directed “that Major General William Heath, second in command in this Army, be, and hereby is, desired to transmit copies of the Institution with the proceedings thereon, to the commanding officers of the Southern Army, the Senior officer in each State, from Pennsylvania to Georgia, inclusive, and to the commanding officer of the Rhode Island Line, requesting them to communicate the same to the officers under their several commands, and to take such measures as may appear to them necessary for expediting the establishment of their State Societies, and sending a delegation to represent them in the first general meeting, to be holden on the first Monday in May, 1784.”

Massachusetts, Connecticut, New York, New Jersey, and Maryland were represented in the Convention, and the New Hampshire *State Society* was organized about November, 1783. Thus *all* the thirteen original *State Societies* of the Cincinnati are accounted for. Had there been a French *State Society* it would have been included in the above order to Major-General William Heath. But it was not so included because there was no French *State Society*.

3. Delegates were not sent to the General Meeting in 1784 by the alleged French *State Society* for the simple reason that no such *State Society* was in existence, but *all* the thirteen original *State Societies* were represented at that General Meeting.

4. The Convention that instituted the Society of the Cincinnati further directed that a copy of the Institution "be given to the Senior officer of *each State* line and that the officers of the respective *State* lines sign their names to the same, in manner and form following, viz:—

"We the subscribers, officers of the *American Army*, do hereby voluntarily become parties to the foregoing Institution and do bind ourselves to observe, and be governed by, the principles therein contained. For the performance of which we do solemnly pledge to each other our sacred honor."

If a French *State Society* had been contemplated by the Founders of the Society, the officers of the *French Auxiliary Army* would have been included in the foregoing clear and distinct provisions of the Organic body, and the fact that those French officers were *not* so included plainly shows that no French *State Society* was either intended, or possible under the Organic laws of the Society of the Cincinnati.

The gallant officers of the *French Auxiliary Army* performed most distinguished services in the cause of Independence—and it was in recognition of this fact, and "of perpetuating the friendships" formed "in the prosecution of the war" that the officers of the *American Army* (who alone instituted the Society of the Cincinnati) "considered them" Honorary members of the Society.

5. The original Institution says, "From the *State* lists, the Secretary-General *must* make out at the first general meeting, a *complete* list of the *whole of the Society*." No such list was made for the alleged French *State Society*, but the credentials of the thirteen original *State Societies* were examined by a duly appointed Committee, and approved at the General Meeting.

6. That no French *State Society* was *possible* under the original Institution is plain by reference to the Principles therein set forth, as follows:—"an unalterable determination to promote and cherish, between the respective *States*, (the thirteen original *States*) that Union and *National* honor so essentially necessary to their happiness, and the future dignity of the *American Empire*."

How could it be possible for officers of the Army and Navy of the *French Nation* to subscribe to, and carry out such a provision as that? In fact, we seriously doubt if any European Nation would permit its subjects, particularly the officers of its Army and Navy, to become members of an Order in another country that required them to subscribe to the above principles. We are informed the Republic of France has recently taken this position with respect to an attempted *State Society* of the Cincinnati in France.

7. General John Cochrane, former President of the New York Society, has most clearly set forth *another* proof that there was no French *State Society* as follows:

"That the action of the *Society*, in making the officers of the Army and Navy and the high officials of France named in its proceedings, Honorary Members thereof, was in that sense by them understood and entertained, appears by the fact that in response to their notification of it, instead of an acceptance of membership, and a tender of the requisite initiation fee of one month's pay, they express in a letter written in their name and behalf, by the Count de Rochambeau, January 19th, 1784, their thanks for the honor conferred, their proposal to cement in perpetuity the union achieved between America and France, and their sympathy with the charitable objects of the Society; and 'enclosed a unanimous and voluntary subscription' of the sums set to their respective names, for the relief and 'benefit of the unfortunate officers of the *American Army*,' accompanied with the hope that the 'moderate sums sent for such a praiseworthy object' will not be disapproved. That this letter was transmitted by the Count, and received in the interval between the meeting in May, 1783, and that in May, 1784, may be inferred from the fact that among the letters and papers reported at the meeting in 1784 to have been received from the Count de Rochambeau, the Count d'Estaing, the Baron de Viomenil, the Marquis de la Fayette and other French gentlemen, necessary to be acknowledged and answered, appears on its minutes to have been this letter of the Count de Rochambeau of the 19th of January, 1784, 'with enclosures'; while the letter of General Washington in reply, as President-General of the Society, 'signed in the General Assembly' under date of May 15th, 1784, wherein he declares the reception of the sums subscribed by French officers and transmitted by the Count, 'to be incompatible with the confederation of the United States, and declines to receive them, 'as contrary to the Original Institution of this Society to receive sums of money from foreign nations though in alliance,' is conclusive that neither by the Founders of the Cincinnati in their action under the 'Original Institution' in 1783, nor by the French officers when notified of it, was it intended by the one to make any other than Honorary Members of the French officers, nor by the other was it understood that they had received a superior right."

But another eminent and *most* reliable authority distinctly confirms the position we take on this subject. In a letter, dated February 22nd, 1892, and read to the New York Society of the Cincinnati at its annual meeting on that date, the late Hon. Hamilton Fish, President-General of the Society, said:

"*** the living fundamental principle of our continuance as a Society, such as our Fathers intended, viz.: a Society of the officers of the *American Army* and their posterity. They (the officers of the *American Army*) combined *themselves* into one Society of Friends, to endure as long as they shall endure, or any of their *** male posterity." The constituent body which formed the "Institution" in grateful sense of the assistance received from France and to perpetuate the friendships formed between the officers of the allied forces, directed a medal to be transmitted to the French Plenipotentiary and to several French officers of the Army and Navy; and that they be informed that the Society do themselves the honor to consider them as members. No words of succession accompanied this announcement; no signing of the Institution; no contribution of one month's pay was required of these gentlemen, as was required with regard to the officers of the *American Army*.

Not a word with reference to their posterity. The voting to them a medal, a letter from the President General, and assurance that the Society did themselves the *honor* to consider them as members, the exemption from signing the roll, and from pecuniary contribution, all tend to the exceptional character of their membership or relation to the Society. All was complimentary—gratitude, friendship, honor—but not identification or participation in heirship."

"During the years succeeding the proposal to amend the 'Institution' and while its advocates were vainly urging its adoption by the State Societies, a confused course of proceeding existed *** It was during this period of omission and of disregard of the 'Institution' that a very large number of foreign officers (principally French officers) were declared to be admitted as members of the Society, but under the Institution as it was, as it is, and as it has never ceased to be, these gentlemen, however worthy personally, could not be members of the Society that was formed at the cantonment on the banks of the Hudson in 1783; *they had not the qualifications*, they were not officers of the American Army, *nor the posterity of such officers.*" "Their claim (if any) must be under Section 2 of the proposed amendment; this amendment was never ratified or adopted, and inasmuch as it abolished the hereditary succession to membership, if the proposed admissions under it had not been *ultra vires*, and in violation of the 'Institution,' it could confer no other membership than it recognized, and made the gentlemen on whom it proposed to bestow membership, *members for their own lives only*, and without any right of succession."

"The great value of membership in the Society of the Cincinnati is its purity in the actual lineal descent, of the blood of an original member who had been an officer in the American Army." "I have instanced the class of French officers by way of illustration."

In ordering the above letter from Mr. Fish to be printed, the New York Society,

"Resolved that as no man living has been more devoted to the interests of the Cincinnati, is more imbued with its spirit, and better acquainted with its traditions and precedents than the writer, the Secretary be directed to have it (the letter) printed and send a copy to each member of the Cincinnati Society."

In an able address before the New York Society of the Cincinnati on May 13th, 1892, the Hon. Hamilton Fish said, in referring to the above letter:

"The object of my letter was to call attention to the laxity which has not infrequently obtained in the admission of members to the Society, and to the importance of maintaining the distinctive character of the Society, in the *lineal descendants of the officers of the American Army of the Revolution.*"

"I contend

1. "That the Society in its origin and in its intent was to consist *exclusively* of officers of the *American Army* and their descendants—with provision for 'Honorary' members, for their own lives *only*, without succession."

"That certain French officers (Civil, Military and Naval), mentioned in the Institution, who were to be informed (in the language of the Institution) that the Society do themselves the honor to consider them as members"—as also that very large number (some hundreds, I believe) of inferior officers, who, under the unconstitutional and unauthorized acts of general meetings, after the *approval* by the General Meeting of 1784, of the *proposed* but never sanctioned 'Altered and Amended Institution' were declared, in one way or other, to be "members" were *life* members, without any right of succession in the Society."

"I fail *** to find *** a single fact or a solitary argument to shake my position with regard to the relation of those gentlemen to the Society, according to the Institution of 1783." *** "It did not attempt to convert French officers into *American* officers, of which latter and their posterity the Society was to consist, nor did it attempt to usurp the power of conferring. *American* Military Commissions on French subjects."

"Colonel Aaron Ogden, an original member of the Society, a lawyer of eminence, long time governor and chancellor of the State of New Jersey, and for many years President-General of the Cincinnati, in answer to a letter requesting information with respect to the French officers, wrote May 22nd, 1837, referring to the provision in the 'Institution' naming Chevalier de la Luzerne, Count de Rochambeau, and others: 'From this provision it would seem that the extension of the order should be confined to the persons designated therein' *** 'Besides there is no provision that the right to membership should *descend* to the *posterity* of the persons designated.'"

"With this letter from one of the 'Founders,' a distinguished statesman and eminent jurist, in entire accord with the views presented in my letter of February 22nd, as to the status of the French gentlemen referred to in the original Institution, I need not further argue as to the *sterile* character of the membership of those distinguished gentlemen, admirals, generals, etc."

"It is clear, therefore, that all the French officers, whose claims do not rest upon the original Institution, must derive their claim under the 'Altered and Amended Institution,' which provided for no hereditary succession, and which never was ratified, and was finally committed to the tomb in 1800 by the unanimous vote of the General Meeting."

This address was also printed and distributed by order of the New York Society of the Cincinnati.

8. The Altered and Amended, but never sanctioned, Institution of 1784, says, in Section 2:

"There are also admitted into this Society, the late and present Ministers of his Most Christian Majesty to the United States; all the Generals and Colonels of regiments and legions of the land forces; all the Admirals and Captains of the Navy, ranking as Colonels, who have co-operated with the armies of the United States, in their exertions for liberty; and such other persons as have been admitted by the respective State meetings" (the thirteen original States), and in Section 13: "The subjects of his Most Christian Majesty, members of this Society, may hold meetings at their pleasure, and form regulations for their police conformably to the objects of the Institution, and to the Spirit of their government."

This was the *first* time an *attempt* was made to authorize a legal French *State* Society. And as the above "Altered and Amended Institution of 1784" was not adopted, and approved by the thirteen original *State* Societies, it became null and void in *every particular*, and consequently this *attempt* to authorize a

French *State Society* absolutely failed and it naturally follows there was never a legal French *State Society*.

9. After the "Altered and Amended Institution of 1784" as above, was adopted by the General Meeting it directed that a copy be sent to each *State Meeting and to the meeting in France* with a circular letter explanatory of the same and *recommending* its observance. This circular letter is dated May 15th, 1784. On May 17th, 1784, "a draft of a letter to the senior Land and naval officers and other members of the Society of the Cincinnati in France was read and approved, and a transcript thereof ordered to be signed and transmitted by the President," and *that letter reads as follows:*

"From the General Meeting in Philadelphia on the first Monday in May, 1784: To the Senior Land and Naval Officers and others, members of the Cincinnati in France, Gentlemen: We, delegates of the Cincinnati, having judged it expedient to make several material alterations and amendments in our Institution, and having thought it our duty to communicate the reasons upon which we have acted in a *Circular addressed to the State Societies*, do now transmit for your information a transcript of that letter, together with a copy of the Institution as revised and amended."

The Circular Letter, as above, dated May 15th, 1784, and addressed to the *State Societies (not to the Senior Land and Naval Officers members of the Cincinnati in France)*, "*recommended* that the "Amended Institution" be "adopted" by the *State Societies* to whom the letter was addressed. Were there no other evidence on this subject, the above would be *conclusive* that no legal French *State Society* ever existed.

10. At the General Meeting in 1860, "the President-General read a letter from M. le Comte Maurice du Parc, dated Paris, June 16th, 1856. M. du Parc requests to be received a member in right of his uncle the Comte du Parc Coatrescar, *one of the French officers of the rank of Colonel whom the Society considered as members.*" Thereupon it was "Resolved, that a respectful answer be made by the Secretary-General to M. du Parc, stating that the applicant is not, *according to the Institution of the Society*, entitled to membership."

This is but *another* proof that the French officers whom the Society (in 1783) "*considered as members*" were merely Honorary members for their own lives. And at the General Meeting in 1863, "the Committee on *descendants* of French officers who served in the Army of the Revolution, now asking to be admitted members of the Society, made a verbal report." On motion of Colonel Sever the subject was indefinitely postponed."

We find among the members of the Rhode Island Society the names of several officers of the French Army and Navy, including one member of the French Chamber of Deputies, and one ex-President of the French Republic. If the above described members of the Rhode Island State Society were admitted under the wholly erroneous assumption that a legal French *State Society* ever existed, then and in that case the Society of the Cincinnati in the State of Virginia hereby declares its opinion that the election of the members named as Hereditary and Honorary members of the Rhode Island Society was absolutely illegal and wholly without warrant under the Organic laws of the Order, and that such elections were and are a grave wrong and menace to the principles of the Society, and its Organic laws as fully set forth in the original Institution. And the Society of the Cincinnati in the State of Virginia hereby further declares its opinion that the General Meeting should take proper and prompt cognizance of this subject, and, with the co-operation and consent of the thirteen original State Societies, "into which the General Society of the Cincinnati is divided," "adopt the best measures to promote the principles of the Institution," and "concert all measures that may conduce to the general intendment of the Society."

The above statement of the real facts as to the alleged French *State Society*, refute the many incorrect and misleading statements made on this subject at various times.

In the present Rhode Island Society's Circular Letter occur the following incorrect utterances as to the alleged French *State Society*: "While others (foreigners) become members in America or *France.*" (Page 11.) The Institution says: "Those officers who are *foreigners*, not resident in any of the States (the thirteen original States) will have their names enrolled by the Secretary-General, and are to be *considered* as members in the Societies of any of the States in which they may happen to be." As there was no legal French *State Society* it follows that "foreigners" could not legally have "become members in France."

The General Meeting in May, 1784, "consisted of the General officers and a distinguished delegation from every *State Society except France.*" (Page 12.) "The Society in France would have been represented if President-General Washington had believed, etc." (Page 12.) There was no State Society in France to send delegates, and so none were sent. (See Paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 above.)

"The General Society (?) (Meeting) in its communication to every State Society, including the Society in *France*" (as to Amended Institution) (Page 12.) (See Paragraph 9 above.)

"Certain French Army and Navy officers were comprehended for original membership" (page 12). The original Institution does not so provide, but made the French officers named in it merely Honorary members (for life only). (See Institution, and Paragraphs Nos. 1, 2, 4, 7 and 10 above.)

"Institution of 1783 apparently confines membership to commissioned officers of the American Army * * * and to officers of certain grades in the *French Army and Navy* who served in the War of the Revolution and to *proper descendants* or representatives of *both classes.*" (Page 29.) The Institution of 1783 made the French officers named therein Honorary members merely (for life) and hence their descendants or representatives are *not* eligible to the Cincinnati. (See Paragraphs No. 1, 2, 7 and 10 above.)

As to the alleged French State Society, "heritable succession in its honored French members." (Page 48.) As the Altered and Amended Institution was never ratified by the thirteen original State Societies, under which an *attempt* was made to create a French State Society, no such State Society ever had legal existence, and as the French officers, who were made members by the Original Institution, were merely Honorary members, there can be no *legal* "heritable succession" from those members. (See Institution of 1783, and Paragraphs Nos. 1, 2, 4, 5, 6, 7, 8, 9 and 10 above.)

But the most pronounced incorrect and misleading statements as to this alleged French State Society, appear in a book entitled "The Order of the Cincinnati in France" published in 1905 by the Rhode Island Society. We will call attention to a few of the more glaring mis-statements contained in this book.

At the beginning of the book (on the page immediately before Page 1) is the statement that the Society was "instituted by American and French commissioned officers * * * 10th, May, 1783." This statement is so palpably misleading that in order to refute it it is only necessary to refer to the minutes of the Convention that instituted the Society which show it was formed by "representatives of the *American Army*." * * * "Whereof the officers of the *American Army* are to be members." The French officers named in the Institution were made Honorary members *after* the Society of the Cincinnati was instituted as above.

Also on same Page, "Provisionally organized at Paris, 7th January, 1784, as a *State Society*." "Permanent organization effected 4th July, 1784." On Page 2, "In France a *State Society*" was formed. We have already shown that no legal French State Society could have existed under the original Institution. Any *attempts* in that direction were under an Altered and Amended Institution which was never ratified by the State societies. Hence both the Altered and Amended Institution was illegal as well as any French State Society attempted under it.

On Page 2 "Original membership was limited to American and French Continental officers." The Institution says, "whereof the officers of the American Army are to be members." The French officers named in the Institution were merely made Honorary members.

On Page 3 is quoted the Rule of 1854, as if it were a legal rule, while on August 25th, 1905, the President of the Rhode Island Society wrote "the so-called Rule of 1854 became ineffective and without validity by reason of failure of unanimous consent."

On Page 7. "The Institution of the Cincinnati as *primarily* agreed upon by the American and French officers * * * 10th May, 1783," but on the same page this statement is contradicted as follows: "The last remaining detachment of the Auxiliary Army was about to depart from the United States. * * * Consequently the French officers *did not*, by delegates, *participate in forming the Order*." Then the book adds: "Any more than the Continental lines of New Hampshire, Rhode Island, Pennsylvania, Delaware, Virginia, North Carolina and South Carolina." We will mention that the Institution of 1783 distinctly says, "the General Society will, for the sake of frequent communications, be divided into State Societies (the original States of the American Union) of which the seven States named form a part, and of which France did not form a part.

On Page 15, the book says, "Count de Rochambeau's letter of 19th January, 1784, (transmitting the *voluntary* subscription from the French officers) was *read* at the General Society (?) (Meeting), 6th May, 1784, *whereupon* "it was decided that the contribution" be "politely refused and the money placed in the funds of the *French Society*." This action was taken before any "Amended Institution" had been formulated or submitted, and *was a positive recognition of the French Society*." Here the facts are again incorrectly stated. The *real* facts are as follows as disclosed by the minutes of the General Meeting of 1784:

Count de Rochambeau's letter of 19th January, 1784, (transmitting the *voluntary* subscriptions from the French officers) was not read on May 6th, 1784, but laid before a "Committee of Revision" with letters from other French officers. May 7th 1784, the Committee reported progress and asked further time. May 8th, 1784, the Committee withdrew "to complete the business." May 10th, 1784, the Committee did not report. May 11th, 1784, the Committee produced Count de Rochambeau's letter of 19th January, 1784, *with translation*, which was *read*. May 12th, 1784, no action on Count de Rochambeau's letter. May 13th, 1784, General Meeting adopted, Altered and Amended Institution "paragraph by paragraph." No action on Count de Rochambeau's letter. May 14th, 1784, Committee reported Count de Rochambeau's letter and other "letters necessary to be acknowledged and answered," all of which are assented. May 15th, 1784, Committee did not report on Count de Rochambeau's letter. May 17th, 1784, "Drafts of letters to Count de Rochambeau (and other French officers) were severally read and approved and the same ordered to be transcribed, the transcripts to be signed and forwarded by the President." Thus it will be seen that action on Count de Rochambeau's letter of 19th January, 1784, was *not* taken "*before* any Amended Institution had been formulated and submitted," as has been incorrectly stated. Consequently any action by the General Meeting as to the alleged French State Society, *was* done under the Altered and Amended Institution. As that Altered and Amended Institution never became legal, not being ratified by the *thirteen* original State Societies, there was never a legal French State Society. But why go into further details of the many incorrect statements in this book? It is full of such misleading inaccuracies, and impresses us with the fact that the argument is from false premises to wholly erroneous and mischievous conclusions, in the futile effort to prove the previous existence of a legal French State Society.

We much prefer to accept the clear and convincing statements of such high authorities as the late Hon.

Hamilton Fish and General John Cochrane, rather than the unwarranted statements of the Rhode Island Society on this subject—statements which are entirely contrary to the Institution of the Order and the real intention and acts of its Founders.

The above unwarranted, and incorrect statements by the Rhode Island Society in regard to the alleged French *State Society*, are abundantly disproved by the actual facts mentioned by us, and also by the testimony of such distinguished and *well informed* members of the Order as the late Hon. Hamilton Fish and General John Cochrane. We hope, therefore, no further attempt will be made to set up the wholly untenable claim that a *legal French State Society* ever existed.

PART II.

Special Meeting Virginia Society, December 15, 1905.

The Rhode Island Society's Circular Letter under this head impresses us as a meddlesome intrusion into the purely internal affairs of a co-ordinate State Society.

As the domestic affairs of the Society of the Cincinnati in the State of Virginia are in no way and in no sense subject to review or direction by another State Society, we must decline to discuss such subjects with the Rhode Island Society. Owing, however, to the fact that its Circular Letter contains a number of wholly incorrect assertions about the Virginia Society in this connection, and the same has been given wide circulation, we will simply point out its misleading and inconsistent statements for the information of the members of the Cincinnati.

Our perfectly regular and legal meeting on December 15th, 1905, was *not* called in the manner asserted by the Rhode Island Society, but by proper notice of the Secretary of our Society in accordance with our then rules and practice. The Rhode Island Society asserts that, "under the Massachusetts Rule (given the Virginia Society in 1896 to follow for three years), a special or extra meeting could only be called '*by publication of the time and place of such meeting in two newspapers for fourteen days before holding the same.*'" (Page 18.) The By-Laws of the Massachusetts Society do not so read, but on the contrary distinctly say: "Special meetings may be called at any time by direction of the President, and shall be called upon the request in writing of ten members of the Society, stating the object of the meeting." Thus it would seem that the Rhode Island Society does not quote *correctly* the By-Laws to which it undertakes to refer.

At its first meeting in October, 1783, the Virginia Society decided not to vote by proxy, but this rule was changed subsequently, and our Society has since admitted proxies at various times, always, however, by members of the Virginia Society of the Cincinnati. The Virginia Code referred to applies to *Corporations* and the Virginia Society of the Cincinnati is *not* a *Corporation*. The Rhode Island Society *asserts* that the officers "are required by the Institution to be chosen annually by a majority of votes at the State Meeting of *the members present*" (Page 21). The Institution does not so read. It simply says, "of the *votes* at the State Meeting." The Rhode Island Society, therefore, has no basis in law or in fact for its wholly unwarranted assertion that our meeting on December 15th, 1905, was "an illegal meeting, and the adoption of By-Laws by such a vote, void." (Page 23.)

The Rhode Island Society asserts, "nor indeed has proxy voting been attempted in any State Society of the Cincinnati, except in Virginia, and then for an illegal purpose or at an illegal meeting." (Page 22.) This statement, so far as the Virginia Society is concerned, is absolutely without foundation, and is entirely unwarranted by the facts. When proxies were authorized by the Virginia Society in 1802-1803-1813-1818, it was at perfectly regular and legal meetings (*where full quorums were present*) and for the entirely legal and commendable purpose of disposing of its fund in the manner suggested by the General Meeting of 1784, and our meeting of December 15th, 1905, was also a perfectly regular and legal meeting as we have already shown.

The Institution gives each State Society full authority to "regulate everything respecting itself * * * consistent with the general maxims of the Cincinnati" (*i. e.*, the Original Institution). In no place does the Institution forbid the use of proxies, either directly or by implication. The Virginia Society has always exercised the right to use proxies whenever in her judgment it was proper to do so, and she will continue to exercise this right whenever she considers it desirable or necessary. In a personal correspondence (January 16th, 1906), the President-General has also admitted this right of a State Society and the *best authorities* concur in that opinion.

The Rhode Island Society has undertaken to go into some details concerning the manner in which the Virginia Society became dormant, although *that* subject, and many others that it has injected into its Circular Letter, have no connection whatever with *our* Circular Letter of December 15th, 1905. We will present the actual facts of this matter.

The Society of the Cincinnati in the State of Virginia voted at regular and legal meetings, at which *full quorums* were present, to devote its Permanent Fund to the lofty and praiseworthy cause of education, and its fund was accordingly so disposed of by special act of the Virginia Legislature, after which the Virginia Society became dormant. This procedure was in strict accordance with the following *suggestion*

adopted by the General Meeting of 1784, with regard to the funds of State Societies, viz., "and if, in process of time, difficulties should occur in executing the intentions of the Society, the Legislature of the several States shall be requested to make such equitable dispositions as may be most correspondent with the original design of the Institution."

As the Rhode Island Society has assumed to criticise the Virginia Society in this matter it may be instructive to invite attention to the manner in which its own State Society became dormant and was afterwards revived. (?)

From a report to the General Meeting April 13th, 1881, by a special Committee, the following facts are revealed:

The Rhode Island Society was incorporated by act of the Rhode Island Legislature December 28th, 1814. This charter was surrendered by resolution of the Society 4th July, 1832, but which surrender was revoked, and the original charter revived March 21st, 1878. (Proceedings of General Meeting, April, 1881, Pages 222-23.) The Rhode Island Society had no By-Laws, *each occasion as it arose appearing to have been governed by special direction*. (Proceedings of General Meeting, April, 1881, Page 221.) Thirteen (13) was made a quorum by vote 5th July, 1784, and this rule was never changed. (Proceedings of General Meeting, April, 1881, Page 221.) A meeting of the Society on July 4th, 1832, (present eight members and one honorary member, *not a quorum*), voted to surrender the charter to the Legislature of the State, dissolve the Society, and distribute the funds among the original members or their heirs. (Proceedings of General Meeting, April, 1881, Page 222.) A meeting of the Society on July 4th, 1833 (present eight (8) members, *not a quorum*) voted to carry into effect the resolution of last year for distributing the funds *among its members* and appointed a Committee of three for that purpose. (Proceedings of General Meeting, April, 1881, Page 223.) A meeting of the Society on 4th July, 1834, (present five members, *not a quorum*, the record of which states only that "the Society dined at the Franklin House." (Proceedings of General Meeting, April, 1881, Page 223.) A meeting of the Society at Providence 4th July, 1835, (present five members, *not a quorum*), at which officers re-elected and Treasurer's accounts received and filed. Meeting adjourned to 4th July, 1836. (Proceedings of General Meeting, April, 1881, Page 223.) No record of any meeting after the 4th of July, 1835. The balance of the fund remaining not disposed of as above, is stated at about \$640.00 (4 shares of Union Bank Stock) (Proceedings of General Meeting, April, 1881, Pages 225-232), and promissory notes of various members of the Society amounting to \$1,500.00, for money loaned previous to July 4th, 1832. (Proceedings of General Meeting, April, 1881, Page 225.) Thus the following facts are apparent:

1. The above meetings of the Rhode Island Society on July 4th, 1832, July 4th, 1833, July 4th, 1834, and July 4th, 1835, were illegal so far as the transaction of business was concerned, no quorum being present at either meeting.

2. The vote to dissolve the Society was clearly illegal for the same reason.

3. The vote to divide the fund of the Society *among its members* was absolutely illegal for the same reason.

4. Notwithstanding the above, the Rhode Island Society did become dormant and its fund disappeared, being apparently distributed among its members *or some of them*, except four (4) shares of Union Bank Stock (value, with dividends, about \$640) and notes of various members amounting to \$1,500, for money loaned previous to July 4th, 1832.

5. That the Rhode Island Society neither held meetings or *attempted* to hold meetings for a period of forty-two (42) consecutive years to December 12th, 1877.

The report of the Special Committee then goes on to say, "there is no direct evidence that the cash deposited and on hand was distributed among its members. It is true that the resolution of 1832, directed its distribution, and it is probable that it followed that direction. It is also possible that it may have been retained by the Treasurer or have been used by him in defraying expenses official or personal" (Proceedings of General Meeting, April, 1881, Page 232).

From the foregoing the difference is at once shown between the regular orderly and legal procedure of the Virginia Society and the illegal course of the Rhode Island Society in these matters.

In criticising the perfectly legal and proper method of the Virginia Society in disposing of her fund, (after the death of the last of her pensioners in 1824, and in strict accordance with the *suggestion* adopted by the General Meeting of 1784), the Rhode Island Society says: (Page 20.)

"The General Society (?) (Meeting), at the General Meeting held in Philadelphia August 9, 1811, characterized such a proceeding as 'the inconsiderate act of a portion of the members in distributing those funds which had long ceased to be individual property, or liable to any but their original appropriations, and that an act, such as this, most evidently involves a departure from the solemn engagements entered into on the banks of the Hudson, *to perpetuate* the Institution and to preserve unalienated and unimpaired, those funds, which had been sacredly devoted to the relief of distressed members and their families.'"

It seems to us that the opinion of the General Meeting August 9th, 1811, to which the Rhode Island Society has referred (Page 20) applies with greater force to its own State Society than to the Virginia Society, as our Society contributed to the support of its pensioners until the last one died, and then disposed

of its fund as *suggested* by the General Meeting of 1784, while the Rhode Island Society appears to have given its fund to a few of its own members (Proceedings of General Meeting, April, 1881, Page 232).

While on this subject we will briefly refer to the manner in which the Rhode Island Society was revived. (?)

The report of the Special Committee to the General Meeting, April 13th, 1881, discloses the following facts:

The report says:

"It having become known that an attempt was making before the legislature of Rhode Island, to divert the fund of the Rhode Island Society, which remained in the custody of the incorporation of the Society, from its proper purpose, nine (9) of the eldest lineal descendants of original members of the Society organized and successfully opposed it by procuring, on March 28th, 1878, from said legislature an act recognizing the act of incorporation of the Society, December 28th, 1814, and procured it to be so amended as to make them, *and one other with them*, the successors of the original incorporators, and so as to empower them to hold for the benefit of the Rhode Island Society the fund remaining and belonging to it." (Proceedings of General Meeting, April, 1881, page 224.)

"On notice of the aforesaid nine lineal descendants, twelve of the eldest lineal descendants of the original members of the Rhode Island Society, a list of whom is hereto appended, assembled, December 12th, 1877, in the State of Rhode Island, and organized themselves, by electing a President, and the other officers required by the Institution for the State Societies, and having appointed five delegates to represent the so organized State Society at the triennial meeting of the General Society (?) (Meeting) in 1878, did thereupon adjourn to meet within said State July 4th, 1878, and thenceforward have continued their meetings, and transacted their business, periodically." (Proceedings of General Meeting, April, 1881, page 225.)

"An act was procured in 1878 from the Rhode Island legislature, reviving the charter of 1814. If, therefore, the surrender of the charter of incorporation by the resolution of 1832, required, as was thought, legislative enactment to revive the charter, the same resolution must be thought to have been equally efficient to dissolve the Society." (Proceedings of General Meeting, April, 1881, page 230.)

"It is therefore, concluded that the Rhode Island Society was dissolved, for the reasons, both that it was generally considered as dissolved, and that it was admitted to be so by those most interested in its fate. (Proceedings of General Meeting, April, 1881, page 230.)

"The date of its dissolution is, consequently, established as July 4th, 1832." (Proceedings of General Meeting, April, 1881, page 231.)

A list of the above alleged revivors (?) of the Rhode Island Society on December 12th, 1877, is given in said report as follows (Proceedings of General Meeting, April 1881, page 237):

Joseph F. Arnold,
Samuel C. Blodget,
Wm. Wallace Brown,
Thomas V. Carr,
Hon. James M. Clark,
Hon. Nathaniel Greene,

Simon Henry Green,
Dr. David King,
John Wanton Lyman,
William Rensiter,
Dr. Henry E. Turner,
James M. Varnum."

Just who was the *mysterious* "*and one other with them*" included in the act of the Rhode Island legislature of March 28th, 1878, is not mentioned by *name*, but the act of the Rhode Island legislature above mentioned authorized this mysterious person to be one of "the successors of the original incorporators" of the Rhode Island State Society of the Cincinnati, for the purpose of holding "*the fund remaining and belonging to it.*"

The minutes of the General Meeting of 1878, however, show that the delegates appointed by the Meeting on December 12th, 1877, of the twelve (12) "*eldest lineal descendants of original members*" (named above) of the Rhode Island Society, were the following (Proceedings of General Meeting, May, 1878, Page 204).

Nathaniel Greene,
James M. Varnum,

Daniel Wanton Lyman,
David King,
Asa Bird Gardner.

(Mr. Gardiner's name appears to have been spelled *Gardner* at that time).

It is not *apparent* just how Mr. Asa Bird Gardner could have been *legally* appointed under the Institution of the Society of the Cincinnati one of the delegates to the General Meeting by the alleged meeting of the Rhode Island Society on December 12th, 1877, (composed of twelve (12) eldest lineal descendants of original members of that State Society) when Mr. Gardner was not one of those twelve members, and in view of the additional fact that the Roster of the Rhode Island Society indicates that Mr. Gardner is not a "direct lineal descendant of an original member" of the Society of the Cincinnati.

And besides this fact, *all* the acts of this alleged meeting of the Rhode Island Society on December 12th, 1877, were absolutely illegal, *as a quorum was not present*, and the alleged election of new members, and delegates to the General Meeting, as well as the alleged adoption of amended By-Laws making seven (7) a quorum, instead of thirteen (13) members, as heretofore, were therefore null and void.

If it is contended that the Rhode Island Society never became dormant (though it held no meetings or even attempted to hold meetings for forty-two (42) consecutive years) then the meeting of December 12th, 1877, was clearly illegal as a quorum was not present and, therefore, all the acts of such a meeting were null and void—including the election of delegates to the General Meeting or any new member or members.

If a duly convened *legal* meeting of the Rhode Island Society should ratify or approve the proceedings of its illegal meeting on December 12, 1877, or if the General Meeting should attempt to ratify and approve the proceedings of that illegal meeting, such ratification and approval would be *ultra vires*.

The principle is settled, by authoritative judicial decisions that the proceedings of an illegal meeting cannot in any degree be rendered valid or effective by subsequent ratification by a legal meeting.

The General Meeting of 1878 refused to recognize the delegates from the Rhode Island Society thus appointed, and the subject was referred to a Special Committee, a part of whose *unanimous* report is given above. At the General Meeting of 1881, Mr. Asa Bird Gardiner again appeared as one of the delegates from the Rhode Island Society. The Special Committee to whom the subject was referred in 1878, made a careful, full, and *unanimous* report to the General Meeting in April, 1881, which was accepted by the meeting and ordered to be entered upon the minutes. A resolution was then offered not to admit the delegates from the Rhode Island Society until the fund of the Society had been restored, *which had been distributed among its members* under a vote on July 4th, 1832 (Proceedings of General Meeting, April, 1881, Page 237). But the Rhode Island Society was finally recognized by the General Meeting (of 1881) "and admitted to full membership as Cincinnati" so far as that General Meeting could do so, though it had not restored its fund which had been given away *to a few of its own members* by an *illegal* meeting in 1832 (Proceedings of General Meeting, April 1881, Page 237). It is of interest to note that the States of Massachusetts and New York voted against admitting the delegates from Rhode Island, as did also the President-General, the Secretary-General and the Treasurer-General.

Before assuming to thus criticise a Sister State Society (unjustly and unfairly as we have demonstrated) it is respectfully suggested to the Rhode Island Society that it might with much profit and propriety contemplate the very peculiar and *illegal* way in which its *own* State Society gave away its funds *to its own members*, and the remarkable method of its revival by a meeting without a quorum (after remaining dormant for forty-two (42) consecutive years) and *without* restoring that fund to the Rhode Island Society.

The Rhode Island Society *thrust* this subject upon us and we are therefore justified in calling attention to the above facts.

PART III.

Eagle of the Order.

In no place does the Institution give the General Meeting authority—either implied or expressed—to issue the Eagle of the Order, and it is a well known fact that many of the State Societies have dies of their own and continue to use them.

As suitable dies of the Eagle could not be made in this country when the Society of the Cincinnati was instituted, in 1783, the *Founders* arranged (through Major L'Enfant, who had kindly offered his services in the matter) to have a supply of Eagles made in Paris and each State Society was to accept and pay for the Eagles required for its members. "The Institution established the Eagle as the visible token by which a member of the Cincinnati 'shall be known and distinguished,' and confided to the State Societies the power of making him such. It is delusive to separate the authority which confers the dignity, from the authority to distinguish it."

The President-General has recently said "there is nothing compulsory" on the State Societies as to the Eagle adopted by the General Meeting in 1902 (Letter of January 5th, 1906), and that "the General Society (?) (Meeting) thought it wise to procure a die, which they could officially adopt and *recommend* for use to the State Societies." (Letter of January 16th, 1906.)

Most of the State Societies seem to pay little attention to the Eagle recommended by the General Meeting in 1902.

On March 15th, 1893, the Society of the Cincinnati in the State of South Carolina adopted the following on this subject: "Resolved, that this Society does not ratify the Ordinance giving powers to the President-General and other officers to fix a die, etc., because this Society believes the issuance of the Eagle and ribbon should be under authority and by the order of the State Society electing a member."

We are sorry, therefore, to witness the Rhode Island Society's continued and fruitless efforts to keep up the fiction of authority in this matter for the General Meeting, and trust they will now cease.

The Virginia Society of the Cincinnati believes there should be uniformity among the State Societies in the gold eagles and in the eagles used on letter heads and other stationery. But this uniformity should be accomplished in a *legal* manner by concurrent action by all the State Societies, and not by attempting to *assume* authority for the General Meeting that it does not legally possess.

Parchment Diploma.

In its remarks under Part III, the Rhode Island Society brings in the subject of "Parchment Diplomas" and says: "The Convention of June 19th, 1783, directed that a 'Diploma on parchment, whereon shall be impressed the exact figures of the Order; and certified by the President-General,' be given to each and every member of the Society" (Page 27). The Rhode Island Society is again strangely mixed in its facts, as the minutes of the above Convention show that what the Convention did say, was that the *design* of the Eagle and also the Silver Medals (as designed by Major L'Enfant) be "certified by the President," (of the Convention) and that the medals "with a diploma on parchment be given to each and every member of the Society." The Convention did not say that the "Diplomas on parchment" were to be "certified by the President-General." An eminent authority on this subject has said: "The direction of the Institution that 'a diploma on parchment' shall be given to each and every member of the Society is mandatory only upon the State Societies on which, with the *exclusive* power of making the members, was charged the duty of authenticating the honor to its recipient." Moreover, the Society of the Cincinnati in the State of South Carolina adopted the following resolution March 15th, 1893:

"Resolved, that this Society declines to ratify the ordinance requiring that a certificate of membership be signed and issued by certain General Officers, on the ground that this Society has immemorially issued to its members certificates of membership or diplomas, and sees no reason why it should resign this privilege."

The mere fact that the Founders "cheerfully embraced" Major L'Enfant's "offer of assistance" in the matter of Diplomas or that General Washington and General Knox signed the first Diplomas, is no proof that the authority to issue Diplomas was not "mandatory only upon the State Societies," especially as the first Diplomas seem to have been issued under the Altered and Amended Institution which was never ratified by the State Societies.

Having clearly pointed out the fallacy of the Rhode Island Society's position that "the decision of the General Society (?) (Meeting) was conclusive" (Page 26) we trust no more similar claims will be set up for illegal powers or authority by that body.

PART IV.

Rule of 1854.

On August 25th, 1905, the President of the Rhode Island Society admitted that "the so-called Rule of 1854 became *ineffective* and *without validity* by reason of failure of unanimous consent," and yet the present Circular Letter of the Rhode Island Society says, "the Rule of 1854, as promulgated by the General Society (?) (Meeting) continues * * * to constitute an authoritative rule of action under the Institution which cannot be altered except by unanimous consent." Page 35.)

For the benefit of the members of the Cincinnati we will point out a few of the inaccuracies under this portion of the Rhode Island Society's Circular Letter. *We do not find that the General Meeting has construed the Rule of 1854 as stated* (Pages 33 and 34), and had the General Meeting attempted such action it would have been *ultra vires*, hence entirely void. We find, however, that the General Meeting of May 22, 1856, resolved that the assent of the several State Societies was not necessary "as the condition on which the said resolutions (Rule of 1854) shall become operative." But such a Resolve as this by the General Meeting is so palpably null and void, that it is simply necessary to mention the fact in passing. Moreover, the President of the Rhode Island Society himself assented to this opinion on August 25, 1905.

Commenting on the above "Resolve" the Rhode Island Society says, "Thereupon the Resolves of 1854, constituting the rule of 1854, became merely resolves of interpretation and construction of the Institution." (Page 33), and on Page 35, it says, "this authoritative rule of action" * * * "cannot be altered except by unanimous consent." Here we have, *according to the Rhode Island Society*, important rules of the Institution illegally changed *without* the consent of all the State Societies, and by alleged "resolves of interpretation and construction" of the General Meeting, which alleged illegal resolves it now asserts "cannot be altered except by unanimous consent." Truly this is *reductio ad absurdum*. By the same process of reasoning the Rhode Island Society could readily change each one of the ten commandments to signify exactly the opposite from what they actually mean. On Page 34, the Rhode Island Society says, "all the continuously existing State Societies * * * have recognized and acted under this Rule (Rule of 1854) in the admission of hereditary members," but the letter from its President of August 25th, 1905, (above mentioned) says, "the so-called Rule of 1854 became *ineffective* and *without validity* by reason of failure of unanimous consent."

We will point out that the New York and Pennsylvania Societies (two of "the continuously existing State Societies") do not observe the Rule of 1854, and, therefore, the statement that "*all* of the continuously existing State Societies have recognized and acted under this Rule," would seem to be an error.

The fact of this whole matter is that the Rule of 1854 is observed in various ways by many of the State Societies, while some do not follow it at all (like New York and Pennsylvania, for instance), and

many, if not all, of the State Societies do not recognize the authority the Rhode Island Society attempts to *assume* for the General Meeting in these matters. The Society of the Cincinnati in the State of South Carolina, for example, adopted the following on March 15th, 1893:

"That each State Society has absolute and exclusive jurisdiction in the matter of the qualifications and admission of its own members."

"That the General Society (?) (Meeting) has the right to adopt such measures as may be necessary for the regulation of the concerns of the General Meetings, but it has no right to declare as of force and valid *any* law or ordinance affecting the State Societies, unless the same be *affirmatively* and *expressly assented* to by all *the* State Societies."

As we have previously said, the Virginia Society of the Cincinnati considers a rule like the so-called Rule of 1854, desirable and necessary, but we wish to see the Institution so amended (by concurrent action of *all* the thirteen original State Societies) as to admit of no doubt on this important subject, and the rule made a legal *uniform* one for the various State Societies of the Cincinnati. We are absolutely opposed to the illegal attempts to inject changes into the organic laws by alleged "Resolves of Construction and Interpretation" by the General Meeting.

PART V.

Permanent Fund.

If any one rule in the Institution is clear and explicit, it is the rule relating to assessments for the Permanent Fund which was made *uniform* for *all* the State Societies. Yet to-day most of the State Societies have different rules on this subject. There can be no doubt that the Founders intended to have *uniformity* in this matter. We, therefore, think the suggestion in our Circular Letter of December 27th, 1905, is timely, and that the Institution should be amended to meet the new conditions, and thus secure a uniform system applicable to the whole Society of the Cincinnati, and on the plan outlined in our Circular Letter. We believe it is opposed to the laws of the Institution (which were made *uniform* for all the State Societies) for the admission dues in some State Societies to be \$500, and in others \$300, \$150, \$100, \$50, \$40, and \$30 as at present. In our opinion the *money "interest"* in the Permanent Fund" should not govern the Society of the Cincinnati, as suggested by the Rhode Island Society (Page 35), but we are convinced the proper dignity, and "the general intendment of the Society" can best be preserved when *all* the members of *all* the State Societies, in this "one Society of Friends," realize that each individual member throughout the *whole* Society is on exactly the same basis (no matter to *what* particular State Society he may belong) as regards the assessment to the Permanent Fund and *all* other rules and regulations affecting the Order. This, in our judgment, is what *uniformity* means to the Society of the Cincinnati in accordance with the Organic laws adopted by the Founders. There should not be several State Societies for wealthy men, comparatively speaking, where the admission dues of \$500, \$300 or \$250 are insignificant from a monetary standpoint, but a hardship on men of smaller means, while in other State Societies the admission dues are \$150, \$100, \$40 or \$30, which are within the means of a large number of eligible and desirable men. The Society of the Cincinnati should be "*one* Society of Friends;" not only in *name*, but in *fact*.

PART VI.

Members Residing in Different States.

Membership in the Society of the Cincinnati under the original Institution, is *strictly* limited to the thirteen State Societies in the thirteen original States of the *American Union*, all of which are now fully revived and in regular working order.

The Rhode Island Society appears to assume that the particular State Society to which a member must belong is the "personal act" of the individual member. (Pages 35, 36 and 37.) The Institution contemplates no such Rule, but, on the contrary, makes it perfectly plain that the Revolutionary officers were to join the State Society in their own particular States, and specially directed that "any member removing from one State to another (one of the thirteen original States) is to be considered in all respects as belonging to the Society of the State in which he shall actually reside." This shows conclusively that the State Society to which a member *must* belong was, and is in no sense, and in no way his "personal act." And as the growth and new conditions in this country have made impossible the observance of this rule, as to membership going with actual residence, the original rule and practice of the Society, that members must join the State Societies to which their Revolutionary ancestor was eligible, remains in full force and effect. A member of the Cincinnati, or an applicant for membership residing in the State of Missouri or Indiana cannot by his "personal act" legally select the State Society of the Cincinnati of which he is, or is about to be a member. Neither

can a member of the Order or an applicant, residing in any of the thirteen original States, by his "personal act" legally select a particular State Society to join. The General Meeting on May 7th, 1890, expressed this identical *opinion* as follows: "Resolved, That it is the opinion of the General Society (Meeting) that every application for membership should be made to that State Society in which the *propositus* of the applicant was an original member, if such Society is in existence."

Indeed the wisdom and the necessity for this fundamental rule of the Order is so obvious, that a few illustrations of its importance will suffice:

1. Without this rule the tendency might be to consolidate in certain State Societies a very large membership to the detriment of other State Societies to whom such membership properly belonged under the Institution.

2. It is to the interest of the whole Order that each one of the thirteen original State Societies should be in a thriving condition.

3. The State Society to which the *propositus* was eligible would naturally have more ready access to the evidence in his case, and to the files relating to the applicant's predecessors, and, therefore, be more likely to determine accurately all questions that might arise in each particular case.

4. The possibility of two State Societies considering at the same time separate applications from the same *propositus* is absolutely prevented. A case like this actually happened recently with the Rhode Island Society to which we will refer later on. Fortunately all the State Societies in active practice, so far as we are advised, refer all applicants to the State Society to which the *propositus* was eligible, except the Rhode Island Society—(as to this exception we will refer more particularly later on under the caption, "Small Group of Members Controlling").

The President of the Rhode Island Society, with a New Hampshire *propositus* by collateral descent, according to the Roster of the Rhode Island Society, is a member of the Rhode Island Society, and lives in New York City. Of the seventy-four (74) members of the Rhode Island Society (Roster, July 4th, 1906), twenty (20) reside in Rhode Island, twenty-seven (27) in New York City and vicinity, four (4) in Paris, France, one (1) in Sweden, one (1) in Japan, one (1) in Corsica, one (1) in Cuba, and the remaining nineteen (19) in different States of this country. Thus the above rule of the Institution as to residence is not being observed by the President of the Rhode Island Society himself, and by the large majority of the members of that State Society.

The Rhode Island Society seems greatly worried about our By-Law as to a member of another State Society becoming a member of the Virginia Society. Our Society does not encourage the transfer of members from one State Society to another, and would only admit such a member under extraordinary circumstances with the full and free knowledge and consent of his own State Society. All members of the Cincinnati residing in Virginia are considered and treated by us as a part of this "*one Society of Friends*," and they are always invited *as our guests* to our banquets, and other gatherings of a social nature. And the Virginia Society refers all applicants, to the State Society to which the *propositus* was eligible, and does not, like the Rhode Island Society, consider and attempt to admit such applicants to her own State Society.

PART VII.

Circular Letters.

That the Institution intended the State Societies to write circular letters *annually* is made clear by the direction to include in those annual circular letters information of the officers chosen for the current year. It would seem, therefore, that the punctuation in the Institution, referred to by the Rhode Island Society, is an error.

This section of the Institution is evidently not an accident, and it was suggested probably by the knowledge of the effective work of those exceedingly important bodies, the Colonial Committees of Correspondence, established under the leadership of Patrick Henry, Thomas Jefferson and others, and which exercised a greater influence throughout the Revolution than did the Congress; in fact, in some of the Colonies they even chose the delegates to the first Continental Congress.

It must not be forgotten that the Original Institution was not drafted, and adopted with undue haste, when all the circumstances are considered. The original draft in the handwriting of General Knox bears date April 15th, 1783, and it was probably under consideration by him from the date of the meeting March 13th, 1783, called by Washington to counteract the Newburg letter. It was communicated to the several regiments of the respective lines, they appointed an officer from each, who in Convention with the General Officers, took the same into consideration.

The Institution should be properly amended as to Circular Letters to meet the present conditions by concurrent action of the State Societies, in accordance with the suggestion in one Circular Letter of December 27th, 1905.

PART VIII.

Reading Circular Letters in General Meeting.

Submitting circular letters *in print* is not the same as *reading* them at the General Meetings as the Institution directs.

The minutes of the General Meeting of 1896 mention that "the circular letter from *several* State Societies * * * were submitted and *read* by the Secretary-General and ordered on file." Were these circular letters merely submitted in print or actually *read* to the meeting? The minutes of the General Meeting should include all of these circular letters from the various State Societies that are read at the General Meetings, as they form a most important part of the proceedings.

PART IX.

Expenses of Delegates.

The Institution distinctly says, as to delegates to the General Meeting, "Whose expenses *shall* be borne by their respective State Societies." This is a mandatory provision of the Institution that was in the early days generally followed and *some* of the State Societies continue to observe this rule of the Institution.

Here again the Rhode Island Society attempts to bind the Society by its own interpretation of a plain law of the Order, and to declare what the Founders *intended* by asserting that this provision of the Institution is "directory" and not "mandatory." This is simply a *fine* "distinction without a difference," as the Founders did not *say* the expenses of delegates might, could or should be defrayed by their own State Societies, but *distinctly* commanded that these expenses *'shall* be borne by their respective State Societies." Such a rule is as "mandatory" as any other provision of the Institution.

As it would be a burden on many of the State Societies to pay the expenses of its delegates, who, moreover, are generally willing, and able to pay their own expenses (as in our State Society, for instance), we still think an amendment to the Institution on this subject desirable to conform this *mandatory* rule to present conditions, and at least leave the matter legally in the discretion of each State Society.

PART X.

Annual Meetings.

One State Society has not met on July 4th since 1867, and several others do not meet on that day, owing, no doubt, to the excessive heat prevailing at that time, and to its being a general vacation season, when it is difficult to secure a full attendance. The New York State Society seeks "to do all the business possible at its annual meeting on May 10th, so as to have the meeting on the 4th of July as free for general sociability as possible."

The Rhode Island Society is incorrect in saying of the Virginia Society, "no meeting whatsoever was ever held on the fourth day of July in any year." (Page 39.) Our Society did meet on July 4th for a number of years, including the years 1784, 1785, 1786, etc., etc. As quorums were not present (owing no doubt to the reasons above stated), the meetings were duly and regularly adjourned to a more seasonable time of the year at which quorums were present for the *legal* transaction of business. Unlike the Rhode Island State Society, the Virginia Society has never attempted to transact business *at which legal quorums were not present*. The *original members* of the Virginia Society of the Cincinnati evidently considered it far more important for the good of the Society to adjourn these 4th of July meetings to seasons of the year when our members could attend in numbers to constitute a *legal* quorum.

The Rhode Island Society is again incorrect in asserting that the last meeting of the Virginia Society was held on December 22nd, 1822. The last meeting of our Society, prior to its becoming dormant, was held in Richmond, Va., on June 17th, 1822, at which *more than a quorum was present*. Our Standing Committee, however, continued to hold meetings to distribute pensions, and transact the other business of the Society under special authority delegated to it by the Virginia Society. And the last meeting of our Standing Committee for this purpose, prior to the Virginia Society becoming dormant, was held on May 14th, 1824.

This matter is unimportant, and has no connection whatever with our Circular Letter of December 27th, 1905. We merely refer to the subject to point out another of the many inaccurate statements contained in the Circular Letter of the Rhode Island Society.

In view of the facts stated above, we still think the Institution in this respect could, with propriety, be legally amended by concurrent action of all the State Societies. This is not a question for the General Meeting to definitely settle, as we have already shown that the General Meetings' powers in such matters is limited, as in the past, to "suggestions" and "recommendations" to the State Societies.

PART XI.

Triennial General Meetings.

It was clearly the *intention* of the Institution for the General Meeting to be held on the first Monday in May, whether annually or triennially. While it is true that the *first* General Meeting in 1784 was held on the first *Tuesday* and *not* the first *Monday* in May, as the Institution directs, yet the subsequent General Meetings of the early days were always held on the first Monday in May, which is conclusive that the *original members* so understood, and interpreted the Institution.

However, we do not consider this question of the date of meetings for either the General Meeting or the State Societies as *vital* questions, but we think the Institution could properly be amended to conform to the present conditions, by explicitly leaving this matter discretionary.

PART XII.

Special Committee of Three.

We suggested a Committee of Three from each State Society to report recommendations to all the State Societies for reasonable and desirable amendments to the Institution, because we believed, and *still believe*, that a body so constituted would be far more representative of the general sentiment of the whole Society of the Cincinnati, than would the small group of members who have for so long practically controlled and directed all the affairs of the Society—and we are strongly confirmed in this opinion by the general tone of the present Circular Letter from the Rhode Island Society. When we witness a State Society, whose President is a General officer, making so many inaccurate, and misleading statements (as we have already pointed out) and assuming for the General Meeting powers, and authority totally unwarranted by the *Organic laws*, we are convinced of the propriety, and advisability of our suggestion that General Officers be omitted from the “Committee of Three” as above. We refer particularly to a *few* of these assertions as follows, for which, as we have demonstrated, there is no legal basis whatever:

1. That the General Meeting has legal authority to revive a dormant State Society (Pages 14 and 15).
2. “That the decision of the General Society (?) (Meeting) was conclusive” as to the Eagle of the Order (Page 26).
3. That the General Meeting has authority to pass on the “qualifications, and claims for membership” (Page 48).
4. That “the General Maxims of the Cincinnati, to which a State Society must conform are deducible from *** the Ordinances and Resolves of interpretation of the General Society (?) (Meeting)” (Page 16).
5. That “the General Meeting has legal authority to take punitive, or remedial action toward a State Society” (Page 16).
6. That the Institution can be amended only by unanimous consent of “the General officers and the delegates to the General Society (?) (Meeting)” including the State Societies (Page 12).
7. That the General Meeting has authority to *order* the State Societies to do certain things (Page 15).
8. That the General Society (?) (Meeting) has authority to “judge of the qualifications of your members and admit them as Cincinnati” (Page 14).
9. That the General Meeting has legal authority “to lay assessments” on the State Societies, unless the State Societies voluntarily assent to the same (Pages 24 and 25).

The Rhode Island Society says that the Institution “nowhere sanctions such a revolutionary procedure” as the “Committee of Three” from each State Society (Page 40.) This statement is incorrect, as the Institution *expressly* directs the State Societies to write Circular Letters to each other, “noting whatever they may think worthy of observation respecting the good of the Society.” In pointing out the sad lack of uniformity in the Society to-day and the non-observance of the Organic laws, we consider it decidedly for “the good of the Society” that these matters should be considered by special Committees from the State Societies, and not left to the tender mercies of “the small group” who may be responsible for the present conditions directly, or indirectly.

The Rhode Island Society here repeats its *incorrect* remarks that an officer of the Virginia Society said the General Society (?) (Meeting) is merely “an advisory conference, but having no means of imposing its authority upon the State Societies.” We have already pointed out that it was the *President-General* of the Society who recently *correctly* described the General Meeting in those words and not an officer of our Society. Also that the remark “the General Society (?) (Meeting) is only a shadow without a substance” is again misquoted by the Rhode Island Society as the remark *actually* made, was, “when the General Meeting *assumed* illegal powers and authority, such illegal powers and authority were “merely a shadow without a substance.” It is unfortunate that these incorrect statements should be made and *repeated* by the Rhode Island Society.

PART XIII.

Holding Two Offices.

In its remarks under this head the Rhode Island Society is again guilty of an unwarranted intrusion into the local affairs of a co-ordinate State Society. As we remarked before, our By-Laws are not subject to the control, or direction of another State Society. The Virginia Society is quite competent to regulate its own internal affairs without this *outside* interference, and we cannot recognize, or sanction such an assumption of authority. This is not the Rhode Island Society's first attempt to interfere ~~into~~ the local affairs of State Societies. On May 13th, 1892, the late Hon. Hamilton Fish, President-General of the Society (referring to an officer of the Rhode Island Society who happened also to be Secretary-General) spoke as follows to the New York Society: "Our worthy Secretary, in addition to the duties of his office, voluntarily takes upon himself the care, supervision and criticism of State Societies which may possibly account for the delays, for about two years, in the issuance of the minutes of the General Meetings, which his predecessor issued within a few days after adjournment, while the transactions were fresh in the memory of members, and errors and omissions might be corrected," and on March 15th, 1893, the Society of Cincinnati in the State of South Carolina very properly rebuked the Rhode Island Society for a somewhat similar intrusion.

We trust that hereafter the Rhode Island Society will confine its activities to more becoming, and legitimate occupations.

In 1790 the General Meeting in addressing the State Societies used the following language:

"We presume not to give you any advice for the regulation of the internal concerns of your Societies." How striking is the difference between that action of the General Meeting, and the general tone and attitude assumed by the Rhode Island Society in its present paper.

In its wholly gratuitous intrusion into our affairs, the Rhode Island Society undertakes to criticise our By-laws which prevent a member from holding two offices at one time, and it assumes to say that one particular By-law "is based on a theory * * * that office is an object to be sought" (Page 44). This assertion, like many others that we have exposed and refuted in this Circular Letter, is without the slightest foundation.

The Rhode Island Society says:

"Hence almost invariably, a member upon becoming an officer, has been, and is continued as such, from year to year, as a *matter of course*" (Page 44).

It is a well-known fact that the larger number of its members *actively* interested in any Society, the greater the prosperity and usefulness of the organization. And thus by giving as many members as possible *active duties* to perform the greater benefit results to the Society. Whereas, when two or three members monopolize *all* the offices "from year to year, as a matter of course," (as has been unfortunately the case in certain quarters of the Cincinnati) the members naturally lose much of that active interest in the Society that they would otherwise feel, and the Society thereby suffers. In the Virginia Society the office always *seeks the man*.

The Virginia Society maintains that it should not be "a matter of course" for any members of the Cincinnati to assume such a remarkable attitude, far less for them to loudly proclaim, in effect, that they are to be "continued" in office "from year to year, as a matter of course." We consider that such an assumption is not only in bad taste, but distinctly contrary to the Institution which provides that State officers are "to be chosen annually" and General Officers "to serve until the next General Meeting." Naturally there can be no reasonable objection to the re-election of proper, and thoroughly acceptable State, and General Officers, but that is quite another thing from members of the Society *feeling*, and asserting that they are to be "continued" as such "from year to year, as a matter of course." When any member or small group of members assumes such a position as that, we do not hesitate to declare that their absolute unfitness for *any* office in the Society of the Cincinnati at once becomes apparent.

We believe in the general principle of a *reasonable* rotation in office. Much of the apparent stagnation, and inertia in the Society of the Cincinnati in past years is largely due, in our opinion, to this very extraordinary suggestion that officers are to be "continued" as such, "from year to year, as a matter of course." We earnestly trust that no such peculiar ideas have found lodgment in the minds of any other members of the Society.

In alluding to this subject we wish it distinctly understood, that what we have said has no reference to many members of the Society who in the past, or who may now happen to fill two, or more offices at the same time. Many members no doubt may have accepted, at various times, two offices as an accommodation, and when, for the moment, it was difficult to find men who would accept office. Our protest is against the idea, or suggestion that any member of the Cincinnati is justified in assuming he has the right to expect to be "continued" in office "from year to year, as a matter of course." Such an attitude as that, in our opinion, does not "conduce to the general intendment of the Society" and is opposed to its best interests.

As to the inaccuracy of expression in regard to the name of the Society, about which the Rhode Island Society seems to be troubled (Page 44), we may mention that the same expression occurs several times in

the minutes of the General Meeting. The attempt to magnify and make much of a trifling "slip of the pen," reminds us of a certain class of people in the olden time who laid great stress upon, "the mint, anise and cummin, but omitted the weightier matters of the law."

In speaking of General Officers, the Rhode Island Society says, it is "incorrect to designate them as General Officers of the General Society" (Page 43). Again the Rhode Island Society apparently confuses the "General Meeting" with the "General Society" as we have previously pointed out. It is perfectly proper therefore to speak of those officers as "General Officers of the General Society" because the General Society is the whole Society of the Cincinnati, "divided into State Societies for the sake of frequent communications."

The Rhode Island Society says "the General Society (?) (Meeting) has but seldom had Committees on nomination of General Officers (Page 43). At the triennial General Meetings in 1890, 1893, 1899 and 1905 such Committees were used, each State delegation naming one member thereof. The Virginia Society nominated one of its Delegates for that Committee in case this method should be used again in the General Meeting, in the same manner that the Virginia Society names one member of the Standing Executive Committee. No General Officer served on the above Committee in 1899 and 1905, as suggested (Page 43), and we consider it would be highly improper for a General Officer to serve on any Committee that might consider his own nomination to office.

PART XIV.

The Standing Executive Committee.

No objection has been made by us to the Standing Executive Committee per se, and the Virginia Society names one member of that Committee. Our protest, however, is made against the unwarranted attempt to give that Committee powers and authority which it does not legally possess under the Institution. Such, for example, as the following:

1. That any member of the Society "owes his own membership in the Society of the Cincinnati to the action of the Standing Executive Committee" (Page 48).
2. "None of the gentlemen of your Society whom the General Society (?) (Meeting) eventually admitted to membership in the Society of the Cincinnati, upon reviving the same, were members thereof until thus admitted" (Page 48).

These are merely the statements of the Rhode Island Society, and have no legal basis whatever under the Organic laws of the Order, as we have previously shown.

It seems rather incongruous for the Rhode Island Society to assume to tell us (and to tell us incorrectly at that) to what cause the revivors of the Virginia Society owe their membership in the Order. This assumption on the part of the Rhode Island Society is peculiarly inappropriate in view of the sort of back door entrance, at its illegal meeting on December 12th, 1877, to which its own President owes his membership in the Order (Proceedings General Meeting, May 1878, Page 234, and April, 1881. Pages 219-224-225-232-236-237).

We desire to emphasize the fact, for the benefit of the whole Society of the Cincinnati, that the revivors of the Virginia Society of the Cincinnati owe *their* membership in the Order to the fact that they are the *direct lineal* descendants of their Revolutionary ancestors *who were original members of the Virginia Society*.

If the General Meeting or the Standing Committee attempt to assume power and authority which neither possess under the Institution, the State Societies will not recognize such assumed authority.

The Rhode Island Society's attempts to deny the accuracy of this statement and says illustrations are not given "of any assumed violations of the Institution" (Page 44). We will refer to the illegal authority that it has assumed for the General Meeting, and the Standing Executive Committee as to the Eagle of the Order (Pages 24, 26, and 40) the Parchment Diploma (Page 27), reviving dormant State Societies (Pages 24 and 48), calling alleged Ordinances and Resolves of Interpretation by the General Meeting, the Maxims of the Cincinnati (Page 34), assessing State Societies without their assent, (Page 24), taking punitive action towards a State Society, etc. (Page 16).

In support of our statement as above, witness the action of the South Carolina Society on March 15th, 1893, when it adopted the following:

"The history of the General Meetings from 1784 to 1800 shows us an unvarying acceptance on the part of the General Society (?) (Meeting) of the fact that it could not at its meetings take action binding upon the various State Societies *without the assent of all of them, which assent was to be affirmatively expressed.*"

"That the General Society (?) (Meeting) has no right to declare as of force, and valid, any law or ordinance affecting the State Societies, unless the same be affirmatively and expressly assented to by all the State Societies."

"Resolved, that this Society considers it inexpedient, and unwise that this revival of interest should, in any degree, be permitted to affect the great principle that the General Meetings have no power to ordain or enact any rule or law which shall be binding upon the State Societies without the expressed assent of all of them."

"Resolved, that this Society respectfully, but firmly, dissents from any proposition that the General Meeting has the right or power, by any expression of opinion or proposed construction of any law usage or rule, to bind the State Societies without the expressed assent of all of them."

Witness the non-observance, by most of the State Societies of the so-called Ordinances of the General Meeting in 1902 concerning the Eagle of the Order.

Witness the non-observance by *some* of the State Societies of the alleged "Resolves of Construction and Interpretation" in regard to the so-called Rule of 1854.

The above facts completely refute the Rhode Island Society's statement that "all the State Societies of the Cincinnati in America have acknowledged the supreme jurisdiction of the General Society (?) (Meeting)." (Page 49.)

But why multiply illustrations of the self-evident fact that the State Societies generally do not consider "as of force and valid any law or ordinance (of the General Meeting) affecting the State Societies, unless the same be affirmatively and expressly assented to by *all* the State Societies."

The Society of the Cincinnati in the State of Virginia would gladly unite in all *lawful* methods to enlarge the power and authority of the General Meeting within reasonable, and proper limits, by concurrent action of *all* the State Societies. This is the only *legal* way that additional authority can be given to the General Meeting and we are unalterably opposed to any member of the Cincinnati or any group of its members attempting to *assume* illegal powers for that body, or for the Standing Executive Committee, as it would seem the Rhode Island Society is trying to do in its present paper.

The Virginia Society of the Cincinnati believes that its contention has been fully demonstrated that "the State Societies do not recognize such assumed authority under the laws of the Institution."

We are pained to observe the Rhode Island Society's slighting allusion to a prominent and distinguished member of the Society of the Cincinnati,—the late General John Cochrane, former President of the Society of the Cincinnati in the State of New York, (pages 47 and 53). In seeming reference to General Cochrane's able letters of 1894 and 1895, the Rhode Island Society says, "the ground of this dissent in the first remark he bases upon an utterance never replied to of a venerable octogenarian member, since deceased, who also argued, *with equal lack of information*, that there never was an organized Society of the Cincinnati in France nor any heritable succession in its honored French members." This is *another* incorrect statement by the Rhode Island Society, as General Cochrane did not argue "that there never was an organized Society of the Cincinnati in France," but he did argue, correctly and successfully, as we have already shown in this paper, that there never was a *legal* French State Society of the Cincinnati having heritable succession. We are not surprised that no reply was made to General Cochrane's convincing statements, because they are *unanswerable*. We desire to say that General Cochrane's well considered, logical and *convincing* views are well worthy of the most respectful and thoughtful attention by *all* the members of the Cincinnati. And his clear and legal conclusions, as fully set forth in his very able letters of July 4th, 1894, and July 4th, 1895, should be a guide for all the members of the Society to follow. In this connection we wish to emphasize the fact that the late Hon. Hamilton Fish, President-General of the Order, held and *expressed* the *identical* views about the alleged French State Society as those so ably expressed by General John Cochrane (addresses by Hon. Hamilton Fish February 22, 1892, and May 13th, 1892, printed and distributed by order of the New York Society of the Cincinnati). Will the Rhode Island Society undertake to assert that the Hon. Hamilton Fish also spoke "*with equal lack of information*"?

We respectfully beg leave to remark that the Society of the Cincinnati in the State of Virginia is not prepared to accept the suggestion, in effect, by the Rhode Island Society, that it is the repository of accurate knowledge on the above, and other Society of the Cincinnati subjects, and that the above eminent and trustworthy authorities on these matters "argue with equal lack of information."

The Virginia Society of the Cincinnati much prefers to receive and give credit to the clear statements by such reliable authorities as those referred to above, and to the evidence of the *actual facts* that we have mentioned in this Circular Letter. In our opinion, far more attention should be given to the opinions of such broad-minded, well-informed and conservative men, as General Cochrane and Governor Fish, than should be accorded to the *radical* and illegal utterances of *newer* members of the Society who in these latter years have assumed to intrude into the local concerns of co-ordinate State Societies, and attempted to pervert the very Organic laws of the Order by a species of alleged "rules of Construction and Interpretation" without legal warrant or justification.

PART XV.

Regulation of State Societies for Admission of Members.

From a Report and Resolutions adopted by the South Carolina Society March 15th, 1893, and sent to all the members of the Cincinnati, it appears that the Rhode Island Society suggested in 1893 that the South Carolina Society, "is and has been '*cheapening*' the membership of the Cincinnati, and 'as it were has diluted

the membership to a certain extent, turned a military order into a social club', and is now on a basis not warranted by its rules; that while perhaps there would be no question of excluding present members (not as a matter of right, but only for 'sentimental reasons') this Society should be restrained from admitting their descendants to membership."

We observe with some degree of interest that the Rhode Island Society seems to have experienced "a change of heart" with respect to the views it expressed in 1893 in regard to the Society of the Cincinnati in the State of South Carolina.

By way of illustration we will invite attention to the following comparisons:—

On June 13th, 1893, the Rhode Island Society said: "On May 23, 1799, the South Carolina State Society addressed the Rhode Island State Society and asked its 'countenance and approbation' to certain resolutions adopted by the latter in derogation of the principles of the Institution as to admission of members" (Pages 25 and 26) (*Italics ours*).

"On these *extraordinary proceedings* it is to be remarked that they could only be justified as a *temporary expedient* to prevent the total extinction of the Society" (Page 27). As "Alterations or Amendments" to the Original Institution they were *absolutely void* (Page 27) (*Italics ours*).

On June 13th, 1893, the Rhode Island Society said: "The claim *** of the South Carolina State Society that it has *** of 'right exercised absolute and exclusive jurisdiction over the admission of members' is inadmissible" (Page 27). "Eligibility to membership by descent in the Cincinnati should not depend on mere residence of an applicant" (Page 28). "Neither are *all* male descendants of a *propositus* 'any of his eldest male posterity'" (Page 28). "It is an injustice to a State Society which adheres to the principles of the Original Institution as to primogeniture for another Society to depart from those rules and accord the honor of hereditary membership to those not qualified under those principles" (Page 28).

On June 13th, 1893, the Rhode Island Society said: "If, as has been currently reported, there are now twenty-five hereditary members admitted in the South Carolina State Society to represent *four* Revolutionary officers who were not Original members, it will be only a question of time when the South Carolina Society, under its existing rules, will be, if not already, under the control of those who are not the eldest male posterity, and it will eventually out-number the membership of all the other State Societies combined" (Page 28).

On June 13th, 1893, the Rhode Island Society appears to threaten the South Carolina Society as follows: "In the sincere effort to promote such principles, it might become necessary for the General Society (?) (Meeting) not only to pronounce the particular laws or declarations, or resolves in a Circular Letter of a State Society, a violation of such principles, but in an extreme case, which is to be hoped may not arise, to suspend and refuse further recognition to a branch which should intentionally fail to conform, and even go to the extent, if necessary, of organizing anew, from qualified descendants who would subscribe to the principles, a Society of the Cincinnati in such State" (Page 16).

While of course the assertion by the Rhode Island Society in 1893 of such *illegal* authority as above for the General Meeting is idle and vain, as that body does not possess and never did possess such powers, (the General Meeting being merely "an advisory conference, but having no means of imposing its authority upon the State Societies existing," as the President-General has *recently* stated), yet, this wholly unwarranted doctrine serves to show the attitude of the Rhode Island Society in 1893.

The above facts disclose the manner in which the Rhode Island Society intruded into the affairs of a co-ordinate State Society in 1893, and the remarkable change it experienced in 1906 as to its previous *positive assertions*.

In view of the illegal manner in which admissions have been made to its own State Society, and its illegal meetings, without quorums, in 1832 and 1833, and December 12, 1877, the idea of the Rhode Island Society assuming to criticise another State Society about *anything*, impresses us as peculiarly out of place.

On July 4th, 1906, the Rhode Island Society said: "In one State Society only, can it be said that qualifications for admission to hereditary membership have been amplified, though but in a limited degree, *for which there has been implied authority recognized for over a century*" (Page 49) (*Italics ours*).

On July 4th, 1906, the Rhode Island Society said: "Neither the General Society (?) (Meeting) nor *any State Society* made objection to, or *expressed disapprobation* of this pathetic request" (South Carolina Society's letter of May 23, 1799) (Page 50) (*Italics ours*).

On July 4th, 1906, the Rhode Island Society said: "Their brethren *in our own* and other State Societies sympathized with them, *and the wisdom of the action taken* under the local Regulation of 1799 was exemplified in the preservation of that honored State Society to the present time" *** (Page 51) (*Italics ours*).

On July 4th, 1906, the Rhode Island Society said: "The time may come when our dear South Carolina Brethren may see their way to limitation of hereditary membership in every case to the eldest male posterity of qualified Continental, or French (?) officers of the war of the Revolution for American Independence, *but so long as that State Society acts under the implied sanction to their request of 1799 the subject is one wholly of State concern, which cannot properly be excepted to either by the General Society (?) (Meeting), or by our own, or by any other State Society*" (Page 51) (*Italics ours*).

The Rhode Island Society's intrusion into the local affairs of the South Carolina State Society would seem to be "the same in kind but different in degree" to its present intrusion into our local affairs, and we trust that the facts we have presented in this Circular Letter may also cause it to refrain in the future from similar ill-advised and unwarranted behavior.

Small Group of Members Controlling.

The Rhode Island Society denies that a small group of members have controlled the Society of the Cincinnati (page 52).

Its present paper is one of the strongest proofs that *one* State Society, at least, is continuing its efforts to control the Society of the Cincinnati even to the extent of intruding into the local affairs of a co-ordinate State Society. Among the mass of its unwarranted statements, so-called "precedents" (?), "customs" (?), alleged "Resolves of Construction and Interpretation" (?) stands out prominently the extraordinary *assertion*, in effect, that *one* General Officer could by his negative vote defeat a proposed alteration or amendment of the Institution (page 12). By this means it would seem that any General Officer who happens *for the time* to hold office, might attempt to control the whole Society. If such a rule were legal, *one member* of the Society could defeat the unanimous vote of all the State Societies. Not even the votes of the Delegates to the General Meeting could do such a thing as that, as the unanimous vote of *all* the State Societies on *any* subject, is final and conclusive. The subject is really not worthy of serious discussion, so untenable is the proposition, but we refer to it merely by way of illustration.

Other evidence of the "small group" as shown by the attitude of one member of the Society may be found in the following incident. The General Meeting on May 7th, 1890, adopted a Resolve, as follows:

"That it is the opinion of the General Society (?) (Meeting) that every application for membership should be made to that State Society in which the propositus of the applicant was 'an original member,' if such State Society is in existence."

Regardless of the above action of the General Meeting (although he professes a profound reverence for what he terms "the Resolves of Construction and Interpretation" by that body), we are advised that the President of the Rhode Island Society last year personally solicited and *urged* a gentleman living in New York, whose great-grandfather was an officer of the Virginia Line and an original member of the *Virginia Society*, to join the Rhode Island Society and *not* to join the Virginia Society. We are informed he advised him not to join "the small Society in Virginia," or words to that effect, and said "the Rhode Island Society held splendid meetings in the *State House* of Rhode Island, and that Mr. (a prominent millionaire) was about to join that State Society, etc.," or words to that effect. This New York gentleman's application to the Virginia Society is dated June 20th, 1906. His election to the Virginia Society on July 4th, 1906, was delayed, owing to a technicality. The President of the Rhode Island Society, however, actually had him elected by the Rhode Island Society on July 4th, 1906, though his ancestors had no connection whatever with any of the Revolutionary forces from that State, and he *wished* to join the Virginia Society. He was duly elected a member of the Virginia Society on December 11th, 1906, and promptly qualified as such and resigned from the Rhode Island Society.

It is a well-known fact that Virginia supplied a very large proportion of the officers in the Revolutionary War, and that a large number of those officers are fully eligible as propositi from whom lines can succeed to membership in the Virginia Society of the Cincinnati. We do not think it is unreasonable, therefore, to expect *all* the members of the other State Societies of the Cincinnati, in this "one Society of Friends," to feel a commendable pride and satisfaction in seeing the Virginia Society successfully engaged (as in the past eighteen months) in the praiseworthy work of locating the proper descendants of those officers and having them represented in her State Society. The above incident, however, seems to show that the President of the Rhode Island Society does not share this fraternal feeling. It also confirms the suggestion of the existence in the past of "a small group" that undertook to control and direct *all* the affairs of the Cincinnati, as it is hardly possible, that he would attempt to do such things *now*, if he had not been supported previously in having his own way in those and similar illegal matters.

Another incident gives confirmation to our suggestion. On January 30th, 1907, our Standing Committee addressed a letter to each State Society, including the Rhode Island Society, asking if any arrangement had been made for its representation at the opening of the Jamestown Exposition on April 26th, 1907, and how many members would attend. This inquiry was made with the hospitable intention, on the part of the Virginia Society, of entertaining the members of the Cincinnati on the above occasion. Each State Society replied that no arrangements had been made, and most of them requested further information on the subject. Subsequently the Exposition Company placed the details in the hands of the Virginia Society, that being the Home State Society where the Exposition was to be held, and furnished to our Standing Committee, for the Society of the Cincinnati, official invitations, passes to the grounds, invitations to the reception to the President of the United States, etc., etc. On March 16th, 1907, our Standing Committee ad-

vised each State Society as above, asking that delegates be appointed who would be our guests at luncheon on April 27. All the State Societies, except two, were represented on April 26th and 27th at the exposition, and appeared to take pleasure in sending delegations. The Rhode Island Society did not accept our invitation or appoint delegates. After all the above arrangements had been perfected, and the Rhode Island Society with the others duly advised, the Secretary-General, who is also President of the Rhode Island Society, addressed the following extraordinary letter to the President of the Jamestown Exposition:

SOCIETY OF THE CINCINNATI.

32 Broadway, New York.

Hon. Harry St. Geo. Tucker,
President, Jamestown Exposition.

April 8th, 1907.

My dear Sir:

Several days ago I wrote you inquiring whether or not it was intended to invite the Society of the Cincinnati to be represented, as thus far I have received no communication on the subject.

It has been customary in such Centennials, to invite, as special guests, the General Officers, and, if the occasion permitted, to invite generally the General Society which is the representative body of this "One Society of Friends," the General Society, under the Institution of 1783, being divided for the sake of frequent communications into State Societies.

Thus, the newly revived Society in the State of Virginia is only a branch of the General Society, which, as before remarked is the representative body, and the General Officers are General Officers of the Society of the Cincinnati.

I will thank you to let me know at your earliest convenience as time is hastening apace.

Very truly yours,

(Signed) ASA BIRD GARDINER,
Secretary-General.

This letter was referred to us by the Secretary of the Jamestown Exposition. His letter and our reply follows:

JAMESTOWN EXPOSITION.

Mr. Heth Lorton,
No. 42 Broadway, New York City.

Norfolk, Va., April 15th, 1907.

My dear Sir:

I respectfully refer the attached letter to you for attention. You will please communicate with Mr. Gardiner at once. I was under the impression that he had received official notice from you that the Society of the Cincinnati had been formally invited to the opening of the Exposition.

Yours very truly,

(Signed) G. T. SHEPPERD,
Secretary.

Mr. G. T. Shepperd, Secretary,
Jamestown Exposition, Norfolk, Va.

April 18th, 1907.

My dear Mr. Shepperd:

I have received your favor of April 15th, enclosing a letter from Mr. Asa Bird Gardiner, dated April 8th (addressed to Hon. Harry St. Geo. Tucker, President Jamestown Exposition) in which Mr. Gardiner says: "Several days ago I wrote you enquiring whether or not it was intended to invite the Society of the Cincinnati to be represented, as thus far I had received no communication on the subject."

Each one of the State Societies of the Cincinnati (including Mr. Gardiner's State Society) were fully and officially advised on March 16th, 1907, as to the representation of the Society of the Cincinnati at the opening ceremonies of the Jamestown Exposition on April 26th, and they were requested to appoint a delegation of not more than three (3) from each State Society, when official invitations would be promptly mailed to the delegates thus chosen. Mr. Gardiner's State Society has not yet appointed this delegation. If it makes the appointment in time official invitations will be mailed to its delegates. Nearly all the other State Societies of the Cincinnati have appointed delegates as above, and the official invitations, and passes have been mailed to those delegates in accordance with the official arrangements made with you, and the Society of the Cincinnati will be largely represented at your opening ceremonies on April 26th.

I am, therefore, at a loss to account for Mr. Gardiner's singular communication to Hon. Harry St. Geo. Tucker as Mr. Gardiner was personally informed by the Secretary of his State Society as to the arrangement for the above representation of the Society of the Cincinnati at the Jamestown Exposition. It was manifestly impossible to invite to the opening ceremonies each individual member of the Society of the Cincinnati for the very good reason, as fully explained by you, that seats on the Reviewing Stand, etc., were limited. If Mr. Gardiner is anxious to attend the ceremonies on April 26th, as appears from his letter of April 8th, it will be a very simple thing for him to have himself appointed one of the delegates from his State Society of the Cincinnati. As requested by you, I am communicating with Mr. Asa Bird Gardiner and sending him a copy of this letter.

With kind regards,

Yours very truly,

(Signed) HETH LORTON, Secretary.

We respectfully submit that this incident likewise furnishes evidence of "the small group," and we must dissent to the suggestion made in Mr. Gardiner's letter above, that the General Officers and the delegates to the General Meeting *alone* are to represent the Society of the Cincinnati on National and other similar public occasions. The delegations from each State Society to the General Meeting are appointed *solely* to represent the State Societies in the General Meeting. They are *not* appointed to represent the General Society of the Cincinnati (which is divided into the thirteen original State Societies "for the sake of frequent communications") at public International, National, or State Functions. Neither are the General Officers elected for that purpose. Of course there can be no objection to General Officers and Delegates being present on the above occasions, but to neither is given the authority, as of right, to thus represent the General Society and to the exclusion of all the other members of the same, as indicated in the Secretary-General's letter. And we again protest against the misleading use of the term "General Society" as applied to the body of Delegates to the General Meeting. These delegates, with the General Officers, *that they elect*, when assembled, constitute the *General Meeting*, but they are far from being the General Society itself, as the General Society of the Cincinnati is *divided into* and *consists of* the State Societies.

The above meeting of the Society of the Cincinnati at the Jamestown Exposition was not composed of "a small group" of General Officers with a *few* Delegates to the General Meeting, *selected by the Secretary-General*. The meeting, therefore, was thoroughly representative of the General Society of the Cincinnati as the members present were specially appointed for the purpose, by the various State Societies of the Cincinnati.

Still another evidence of "the small group" idea finds expression in the Rhode Island Society's assertion that officers are to be "continued as such from year to year, as a matter of course." (Page 44.) There should be proper and reasonable rotation in office. When one man or a group of a *few* men feel that they are to be continued in office from year to year "as a matter of course," this "small group" is liable to arrive at the conclusion that *they* are to control, and direct *all* the affairs of the Society, and to the exclusion of other members who compose the State Societies into which the General Society is divided. Thus a general lack of active personal interest among the large body of its members is bound to follow in the Society of the Cincinnati, which we consider a most undesirable condition.

Other evidences of the existence of "the small group" idea may be found in such expressions as the following, by a General Officer of the Society:

"Such matters (the Virginia Society's Circular Letter of December 27th, 1905), should be presented to the Standing Executive Committee which exists for that purpose—they cannot be presented to the General Society (?) (Meeting) without first being referred to the Standing Committee" (Letter of January 5th, 1906).

It is not apparent to us why *any subject* cannot be presented by a delegate to the General Meeting, "without first being referred to the Standing Committee."

"And am quite confident that nothing will be accomplished without their final action." (Letter of January 31, 1906.)

"That the recommendations must come ***, since 1875 by submission to the Standing Committee first to report upon." (Letter of February 12, 1896.)

Just why "nothing will be accomplished" and "recommendations must come by submission to the Standing Committee *first* to report upon" is not evident to us, except as *strongly* confirming our suggestion that "a small group" has thus controlled the affairs of the Society of the Cincinnati and seeks to continue that control.

Still further evidence of "the small group," as suggested, may be found in the following incidents:

The illegal dropping from the printed Roll of the General Society, distributed at the Triennial Meeting in Richmond, May, 1905, of a member of the Virginia State Society. This name was not restored to the Roll until a positive *demand* was made by a member of the Virginia Society with the statement that unless the name was restored a resolution would be offered immediately in the General Meeting directing the proper correction of the Rolls, and condemning its unauthorized omission.

On May 13th, 1892, the late Hon. Hamilton Fish, President-General, said in an address before the New York Society, referring to the Secretary-General:

"Our worthy Secretary, in addition to the duties of his office, voluntarily takes upon himself the care, supervision and criticism of State Societies."

The proceedings of the General Meeting are not *promptly* printed and distributed although the General Meeting in Hartford, May, 1902, adopted a special resolution that this should be done, "not more than six months after the meeting." It is now nearly two years and a half since the Triennial Meeting in Richmond in May, 1905, and yet the proceedings of that General Meeting have not been issued.

Another evidence of "the small group" is found in the Rhode Island Society's own statement—"particular respect has ever been paid in the General Society (?) (Meeting) and State Societies to the utterances of those members of longest experience as delegates or members." (Page 53.)

But the Rhode Island Society does not seem to have followed this alleged custom by having the above described feeling for General John Cochrane's "utterances," though he was a member of long experience

and also the President of the New York Society (Pages 47 and 53). Nor has the Rhode Island Society appeared to pay much "particular respect" to the utterances of the late Hon. Hamilton Fish, President-General of the Society, on February 22 and May 13, 1892, though this distinguished member of the Cincinnati was a prominent and active member of the Society for fully sixty years, and also a most reliable authority on these subjects.

In view of the facts stated above, we find it impossible to agree with the Rhode Island Society's statement that "the existence of the Standing Executive Committee renders it impossible for the Society, and the management of the Society at any time to be controlled by any 'group of its members.'" (Page 53.)

Lack of Uniformity.

The Rhode Island Society undertakes to question the statement that "uniformity does not now exist" among the various State Societies as to admission of members, and that some of the Rules "seem in direct conflict with the Rules laid down by the Institution." (Page 49.) Yet in the next breath it admits that in one State Society "qualifications for admission to hereditary membership have been amplified." (Page 49.) If the Rhode Island Society will take the trouble to glance at the By-Laws of the various State Societies it will observe that "uniformity does not now exist" among *many* of the State Societies. In the matter of Honorary members, for instance, some State Societies permit them to vote and hold office, others do not, and the rules for their admission are different in many of the State Societies, while in two State Societies, at least, they are not admitted at all. In the Rhode Island Society there is a rule that would seem to practically convert *Honorary* members of the Society into *Hereditary* members. This rule reads as follows:

"The admission of honorary members of the Cincinnati, for life only, shall be confined—*First*, to those who shall be eminent lineal descendants or representatives of those who were distinguished by high military or civil virtues and services in the cause of American Independence during the Revolutionary War. *Second*, to the lineal descendants or representatives of such *former honorary members* of the Cincinnati as may be eminent for their abilities and patriotism, and who shall be domiciled in the State of Rhode Island. Provided always that the number of honorary members shall not exceed a ratio of one to four of the actual hereditary members of this Society and provided further, that no person shall be admitted as honorary member except upon recommendation of the Standing Committee."

Section 2 above seems to be clearly contrary to the Organic law. The Hon. Hamilton Fish said on May 13th, 1892, when speaking of the *formation* of the Society of the Cincinnati—"with a provision for 'Honorary' members, for their own lives only, *without succession*."

The General Meeting on May 13th, 1896, expressed the same opinion as follows:—"nothing contained in said By-laws or Rules shall confer any rights upon any Honorary member *which shall extend beyond his lifetime*." And the Rhode Island Society itself said on June 13th, 1893, "the Original Institution which provides specifically for honorary members *** who shall be admitted for their own lives only, *without heritable succession*." (Page 27.)

The Institution says that "men in the respective States" (the States of the American Union) "*shall be*" admitted honorary members in "a ratio of one to four" of the other members. It does *not* say their "descendants or representatives" shall be admitted as honorary members, and that Army Officers, and Statesmen of the French Republic shall be admitted as honorary members, as has been done by the Rhode Island Society. The Institution is *perfectly* clear on this point. It says "men in the respective States," i. e., *the States of the American Union*.

France is not and never was one of "the respective States" of the American Union, and it is difficult to comprehend how a citizen and resident of that country can legally be made an Honorary member of the Rhode Island Society.

In a letter dated February 22, 1892, and read to the New York Society of the Cincinnati and published by order of that Society, the Hon. Hamilton Fish says, "The Institution contemplated the admission of Honorary members who were to be '*men in the respective States*,' eminent for their abilities and patriotism, etc." "*Men in the respective States*." "States" of the *American Union*—not Foreigners—however eminent they might be in Foreign States."

But let us glance at the rules for admitting *hereditary* members by the various State Societies. Some of the State Societies do not observe the so-called Rule of 1854 in any way, and others follow it in *various* ways, as we have already shown. The admission dues or assessment to the Permanent Fund in some State Societies is \$500, others \$300, \$250, \$200, \$150, \$100, \$50, \$40 and \$30. In some State Societies, heirs of original members pay nothing, while in one State Society they pay \$30, and in another they pay \$40.

We have already shown that uniformity does not exist as to the Eagle of the Order, "Payment of delegates expenses," Annual meeting dates, etc. This fact is further proved by a Report adopted by the South Carolina Society on March 15th, 1893, as follows: "as to admission of members *** we find that no two State Societies have identical rules on this point." While such lack of uniformity is self-evident, it naturally

follows, as an elementary proposition, that *all* of the above varying rules cannot be in accordance with the Organic laws on these subjects, which were made *uniform* for each one of the thirteen original State Societies of the Cincinnati.

Surely here is enough evidence to justify the statement that "uniformity does not exist" in the Society, and that some of the Rules of some of the State Societies "seem in direct conflict with the rules laid down by the Institution."

In fact the late Hon. Hamilton Fish fully realized this fact when he wrote on June 9th, 1893, to the General Meeting:

"I beg to commend especially to your calm and wise consideration, the establishing of a *uniform* rule, to be observed by all the State Societies, as to the qualifications of applicants for admission to the Society."

It is idle therefore to assert that *uniformity* does exist, when it is plain that it does *not* exist, or to set up the specious plea that the Organic laws can be legally changed by assertions that: "the Founders did not intend so and so;" "the General Meeting has authorized such changes by Resolves of Construction and Interpretation;" "it has been the *custom* to do such things for many years," etc., etc.

Why not look the facts squarely in the face, and set about to correct the present illegal conditions in a broad-minded, charitable, kindly, courteous and *legal* manner. All the State Societies of the Cincinnati, or nearly all of them, have sinned against the Organic laws at various times and in various ways. "If we say that we have not sinned, we deceive ourselves and the truth is not in us."

The Rhode Island Society closes its paper with the following beautiful sentiments:

"That good feeling which has characterized this one Society of Friends since 1783 and made its membership so delightful and harmonious and its friendships so very close and enduring." (Page 40-41.)

"No one offered a resolution unless he believed it would be accepted and hence the apparent unanimity in all the proceedings." (Page 52.)

"This pleasing condition has characterized *all* the deliberations and proceedings of the General Society (?) (Meeting) to the present day." (Page 53.)

"As a rule, what one may have suggested all have desired, and the same rule of action has *always* obtained in our Society and in all the State Societies of continuous existence." (Page 53.)

"It is a delightful condition, truly exemplifying that the Society of the Cincinnati is 'one Society of Friends.'" (Page 53.)

"We have hailed with great pleasure the revival in the past few years of six State Societies. (Page 53.)

Such high sounding expressions as these would have far greater force and value, and seem more consistent and appropriate, as coming from the Rhode Island Society, if they were not in such striking and unpleasant contrast to other remarks made by that Society in the same paper, as follows:

Referring to our Circular Letter of December 27th, 1905, as "received from the Treasurer" of this State Society when it was officially sent by the Chairman of the Committee duly appointed for that purpose. (Page 3.)

Referring to our Circular Letter, as above as *purporting* to have come from this Society, when it was *officially* sent out as stated." (Page 5.)

Attempting to threaten this Society by the idle assertion of illegal authority for the General Meeting "to take punitive or remedial action toward a State Society." (Page 16.)

Incorrectly asserting that the alleged Ordinances and Resolves of Interpretation by the General Meeting "are the General Maxims of the Cincinnati to which a State Society *must* conform." (Page 16.)

Again attempting to threaten this Society as to these "made to order" Maxims; "but let it (a State Society) do nothing inconsistent with the General Maxims of the Cincinnati *** the General Society (?) Meeting) may take such action as in its judgment may best right the wrong" (Page 17), i. e., not the *real* Maxims of the Institution but any illegal "Ordinances and Resolves" of the General Meeting.

Speaking of our perfectly regular and legal meeting as "the alleged Meeting of December 15th, 1905. (Page 18.)

Describing our regular and legal meeting as "the illegal Meeting of December 15th, 1905." (Page 23.)

Asserting (without legal warrant as we have shown) that our members present on December 15th, 1905, "owe their membership to the inherent powers of the General Society (?) (Meeting) exercised in their behalf."

Assuming to review the internal affairs of our Society, including its By-laws and other purely local concerns of the Virginia Society (Pages 17, 23, 36, 41, 43).

Speaking of our perfectly regular and legal meeting on December 15th, 1905, as "the so-called meeting of thirteen of your members" (Page 36).

Referring to one of the By-laws of our Society as "the so-called By-law" (Page 36).

For these and other reasons the general tone of the Rhode Island Society's Circular Letter does not commend itself to us. We are not aware, as the Rhode Island Society remarks, that in Colonial times the intercourse between Virginia and Rhode Island was naturally closer than with the other Colonies, as the intercourse between the Colonies generally "was naturally closer" with those nearer to each other, and this was especially true of Virginia. If, as the Rhode Island Society states, "several of our members trace some of their ancestors to the Old Dominion," it may be due to that Society illegally admitting members who really should belong to the Virginia Society of the Cincinnati, as in the case of one of our members improperly admitted by the Rhode Island Society on July 4, 1906, and to which we have previously called attention in this paper. But these subjects are wholly immaterial, as they have no connection whatever with our Circular Letter of December 27th, 1905, and we are at a loss to account for their introduction into the Rhode Island Society's Circular Letter.

Conclusion.

We venture the remark that a large number of members of the Cincinnati have never before been so accurately posted in the details of the Society's affairs until our Circular Letter of December 27th, 1905, brought out a frank discussion of the present conditions in the Order. It is true that minutes of the General Meetings are distributed (*three years after the meetings to which they refer*) to a *limited* number of members of the Society who may be present at the Triennial meetings, and occasionally, and at irregular intervals there is issued, to the *limited* number of members as above, a pamphlet purporting to be "Ordinances and Precedents, Construing and Interpreting the Institution." But these latter documents do not always correctly state the laws of the Order or what has taken place at the General Meetings. Much of their contents is composed of voluminous foot notes and postscripts which have no official character, and are merely the personal opinions of their author. The text itself is also full of the author's personal opinions, which have no legal force or value under the Institution, but are thus made to appear, to the casual and uninformed reader, as possessing the official sanction and authority of the Society of the Cincinnati.

By way of illustration we will refer to the pamphlet of alleged "Ordinances and Precedents, Construing and Interpreting the Institution" issued to the delegates attending the General Meeting in Richmond, Va., May, 1905, and give a *few* examples of the misleading statements to which we allude:

1. In a foot note on page 4 it is made to appear that the "male descendant of the *surname* of the Original member should be preferred" to the grandson in the direct line of descent, though the General Meeting of May, 1821, expressed the contrary opinion, which coincides with the legal practice in the Order.

2. A foot note on page 6 attempts to change the meaning of the distinct language of the Institution and to give illegal authority to the General Meeting.

3. The same attempt is made in a foot note on page 7.

4. A foot note on pages 10 and 53 and the text on page 53 attempts to change the true meaning and intent of the founders, as *clearly* expressed in the Institution, by asserting that the French officers named therein were "*members*" and not Honorary members for life only as we have already shown was the actual fact.

5. A foot note on page 15 asserts illegal authority as to jurisdiction of the General Meeting in the matter of issuing the Eagles of the order.

6. A postscript on pages 20 and 21 makes incorrect statements as to the alleged French State Society, that the French officers named in the Institution were *members*, instead of Honorary members merely, and attempts to give legal force and effect to the Altered and Amended Institution of 1784, which has no legal force whatever *in any respect*, as it was never adopted by the thirteen original and *only* State Societies of the Cincinnati.

7. In a foot note, and in the text on page 54 a seeming attempt is made to show that the Circular Letter and the Altered and Amended Institution sent by the General Meeting of 1784 to the thirteen original State Societies for *their approval*, was sent in a similar way to the Association of Honorary members in France, whereas the Altered and Amended Institution, and a transcript of the Circular Letter to the thirteen original State Societies, was transmitted to the Association of Honorary members in France in a *separate* letter, for its information, and *not* with the recommendation that it be "adopted" as was done with the thirteen original State Societies.

8. In the text on pages 56, 57, 58 and 59 is shown the efforts made by the General Meeting to have a "Rule of 1854" but which failed of adoption by reason of the State Societies refusing to approve, and *then* the author sets up his *own* views on the subject, and calls them "rules of construction and interpretation," but these alleged "rules of construction and interpretation" were never approved by the State Societies, and were not even adopted by the General Meeting. They stand therefore merely as the personal opinions of their author, and have no legal force or effect whatever, and yet the Rhode Island Society's Circular Letter now undertakes to assert that *these* alleged rules "cannot be altered except by unanimous consent." (Page 35.)

Other illustrations could be given to show that the pamphlets referred to are inaccurate, and misleading and should not be permitted in the Society of the Cincinnati. The Virginia Society protests against all similar publications in the future, and we also protest against the long and unwarranted delay in printing and sending out the minutes of the General Meetings. At the General Meeting at Hartford, Conn., in May, 1902, the following resolution was adopted:

"Resolved, that hereafter the reports of general or special meetings of the General Society (?) (Meeting) be prepared, and when practicable, printed and distributed not more than six months after the meeting."

And, as previously mentioned in this paper, in an address to the New York Society on May 13, 1892, the late Hon. Hamilton Fish said: "Our worthy Secretary, in addition to the duties of his office, voluntarily takes upon himself the care, supervision and criticism of State Societies which may possibly account for the delays, for about two years, in the issuance of the minutes of the General Meeting, which his predecessor issued *within a few days* after adjournment, while the transactions were fresh in the memory of members, and errors and omissions might be corrected."

Still these minutes of the General Meeting are not issued promptly. Why is this? And why are such loose methods permitted in the Society?

The Virginia Society of the Cincinnati re-affirms its Circular Letter of December 27th, 1905, and again recommends that appropriate action be taken thereon by the thirteen State Societies of the Cincinnati to correct the errors and abuses that have entered into the Order, and which are more particularly referred to in this Circular Letter.

The plea of the Virginia Society is for *uniformity* in the government customs, rules and methods of the Order as the Founders clearly intended, and as was the practice in the beginning. We recognize that the modern conditions make it almost impossible to follow *strictly* some of the laws of the original Institution. In many respects the radical changes that have taken place are good and desirable, but they should be made legal under the Institution. The practice of trying to make these radical innovations legal (however good in themselves) by long arguments about so-called "customs," "precedents," alleged "rules of construction and interpretation," cannot, and do not make them legal under the Institution.

It is indeed a sad truth that a large number of our members permit, and some times prefer, for others to do their thinking for them. Possibly they excuse this personal inaction on the erroneous principle "that men who persist in doing nothing cannot do wrong." It was to encourage *all* the members of the whole Order to *think for themselves* that the Virginia Resolutions of December 15, 1905, were sent out. The individual members throughout the Society should study these questions, and post themselves upon the laws of the Order. Those comparatively few members of the Society who in the past have assumed to lead, and instruct the balance of the members by their illegal so-called "customs," "precedents," and alleged "rules of construction and interpretation," have, in our opinion, thereby greatly lowered the tone and prestige of the Order.

"Precedents, though of avail in the absence of written Constitutions, are of none when opposed to Charter rights."

We have endeavored in this Circular Letter to make these things perfectly plain, and distinct to each individual member of the Society. It is in your hands to correct the abuses referred to, and to restore the Society of the Cincinnati to its former position of honor and dignity.

We earnestly trust that each State Society of the Cincinnati, and each individual member will unite with the Virginia Society in all proper and legal efforts to promote, in the manner indicated, the "safety, honor and welfare" of the whole Society of the Cincinnati.

WILLIAM LANIER WASHINGTON,
CHARLES WICKLIFFE THROCKMORTON
JAMES CLARK MCGUIRE,
DANDRIDGE SPOTSWOOD,
STASIUS MEADE,
HETH LORTON,
A. RANDOLPH TATUM,
WALTER GIBSON PETER,

Committee.

Copied from the minutes:

HETH LORTON,
Secretary.



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